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JOURNAL  
OF THE  
HOUSE OF REPRESENTATIVES  
OF THE  
STATE OF INDIANA,  
DURING THE  
FORTY-FIFTH REGULAR SESSION  
OF THE  
GENERAL ASSEMBLY,  
COMMENCING THURSDAY, JANUARY 10, 1867.

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INDIANAPOLIS:  
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1867.

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1911

# JOURNAL

## OF THE

# HOUSE OF REPRESENTATIVES.

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*The Forty-Fifth Regular Session of the General Assembly of the State of Indiana, begun and held at the Capitol, in the City of Indianapolis, on Thursday, the tenth day of January, A. D. 1867, at 10 o'clock A. M., being the day fixed by law for the meeting of the same.*

The House of Representatives being called to order by Cyrus T. Nixon, Principal Clerk of the last House of Representatives, the following Members appeared, produced their credentials, and were sworn into office by J. T. Elliott, one of the Judges of the Supreme Court of the State of Indiana, and took their seats, viz:

From the county of Adams—James R. Bobo.

From the county of Allen—John P. Shoaff and Peter Kiser.

From the county of Bartholomew—Stinson J. Barritt.

From the counties of Blackford and Wells—William F. Shull.

From the county of Brown—Alfred Williams.

From the counties of Benton and White—

From the county of Boone—Anthony E. Gordon.

From the county of Carroll—Andrew H. Evans.

From the county of Cass—Samuel L. McFadin.

From the county of Clark—Frederick H. C. Honneus.

From the county of Clay—John Hungate.

From the county of Clinton—J. V. Morrison.

From the county of Crawford—Edmund Hostetter.

From the county of Davis—John H. O'Neil.

From the county of Dearborn—Edward H. Greene and Warren Tebbs.

From the county of De Kalb—Ezra D. Hartman.

From the county of Decatur—William A. Moore.

From the county of Delaware—John B. Erwin.

From the county of Dubois—Bazil B. Edmonson.

From the county of Elkhart—William A. Woods.

From the county of Fountain—William B. Carter.

From the county of Franklin—Clement R. Corey.

From the county of Fulton—Jesse Shields.

From the county of Floyd—*Elijah W. Woodland*

From the counties of Fayette and Union—Woodson W. Thrasher.

From the county of Gibson—Jacob F. Bird.

From the county of Greene—Thomas Mason.

From the county of Grant—John Ratliff.

From the county of Hancock—John H. White.

From the county of Henry—David W. Chambers.

From the county of Harrison—John W. Lopp.

From the county of Howard—Willis Blanch.

From the county of Hendricks—Lander M. Campbell.

From the counties of Harrison and Washington—Frederick W. Matthis.

From the counties of Hamilton and Tipton—Joel Stafford.

From the counties of Hancock and Shelby—John L. Montgomery.

From the county of Jefferson—David C. Branham and Richard H. Litson.

From the county of Jay—William C. Hudson.

From the county of Johnson—David G. Vawter.

From the county of Jennings—Hiram Prather.

From the county of Jackson—Daniel H. Long.

From the counties of Jasper and Pulaski—Ezra Wright.

From the counties of Johnson and Morgan—Algernon S. Griggs.

From the county of Laporte—James B. Belford and William W. Higgins.

From the county of Knox—Orlan F. Baker.

From the county of Kosciusko—John H. Long.

From the county of Lake—Hiram Wason.

From the county of Lagrange—William Smith.

From the counties of Lagrange and Elkhart—M. F. Shuey.

From the county of Lawrence—Moses F. Dunn.

From the county of Morgan—John E. Greer.

From the county of Monroe—James Hughes.

From the county of Montgomery—E. P. McClasky.

From the county of Martin—Argyle H. Inman.

From the county of Miami—Nathan O. Ross.

From the county of Marion—Horatio C. Newcomb and Emsley Hamilton.

From the county of Madison—Frederick Black.

From the counties of Marshall and Starke—Daniel E. Van Valkenburgh.

From the county of Noble—George W. Geisendorff.

From the county of Orange—Theodore Stackhouse.

From the county of Owen—Benjamin F. Hays.

From the county of Putnam—James McMurray and Addison Daggy.

From the county of Posey—George Wolflin.

From the county of Pike—Lewis Wilson.

From the county of Porter—John F. McCarthy.

From the county of Perry—Magnus Brucker.

From the county of Parke—Walter C. Danaldson.

From the county of Rush—David M. Stewart.

From the county of Ripley—Hezekiah Shook.

From the county of Randolph—Enos L. Watson.

From the county of Spencer—John A. Scammahorn.

From the county of St. Joseph—Nelson Ferris.

From the county of Sullivan—Benjamin Wolfe.

From the county of Steuben—Stephen C. Sabin.

From the county of Scott—Samuel S. Crowe.

From the county of Shelby—George C. Thatcher.

From the counties of Switzerland and Ohio—James North.

From the county of Tippecanoe—John L. Miller and John Rosser.

From the county of Vanderburgh—Emil Bischof.

From the counties of Vanderburgh and Posey—John S. Hopkins.

From the county of Vermillion—William Skidmore.

From the county of Vigo—William E. McLean and John G. Crain.

From the county of Wayne—William A. Peele, Benjamin L. Martin and William W. Foulke.

From the county of Warren—George W. Wolfer.

From the county of Wabash—Allen W. Smith.

From the counties of Wabash and Kosciusko—Joseph A. Funk.

From the county of Warrick—Benoni S. Fuller.

From the county of Washington—Erasmus W. Shanks.

From the counties of Hendricks and Boone—Benjamin F. Thomas.

Mr. Newcomb moved that the House proceed to the election of Speaker.

Which was agreed to.

Mr. Newcomb nominated Mr. Branham, of Jefferson county.

Mr. McFadin nominated Mr. Thatcher, of Shelby county.

Those who voted for Mr. Branham, Representative from Jefferson county, were,

Messrs. Belford, Bischof, Blanch, Brucker, Campbell, Chambers, Crain, Daggy, Dunn, Erwin Evans, Ferris, Foulke, Funk, Geisendorff, Gordon, Greer, Griggs, Hartman, Hamilton, Higgins, Hopkins, Hudson, Hughes, Litson, Long of Kosciusko, Martin, Mason, McCarthy, McClasky, McLean, McMurray, Miller, Moore, Newcomb, North, Prather, Peelle, Ratliff, Rosser, Sabin, Scammarhorn, Shook, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Stafford, Stewart, Thrasher, Thomas, Wason, Watson, Wilson, Wolfer, Wolflin, Woods, and Wright—58.

Those who voted for Mr. Thatcher, Representative from Shelby county, were,

Messrs. Baker, Barritt, Bird, Black, Bobo, Carter, Corey, Crowe, Douglass, Edmonson, Fuller, Greene, Hays, Honneus, Hostetter, Hungate, Inman, Kiser, Long of Jackson, Lopp, Matthis, McFadin,



Morrison, Montgomery, O'Neil, Ross, Shanks, Shields, Shoaff, Shull, Stackhouse, Tebbs, Van Valkenburgh, Vawter, Williams, White, and Wolfe—37.

David C. Branham having received a majority of all the votes cast, was declared, by the Clerk, duly elected Speaker of the House of Representatives for and during the legislative session, and was conducted to the chair by Messrs. Thatcher and McClain, whereupon the Speaker made the following remarks:

*Gentlemen of the House of Representatives:*

I thank you for the honor you have conferred upon me by placing me in this position. I shall endeavor so to discharge its duties as to secure the best interests of the State, and the approbation of the House.

On motion by Mr. Prather, the House proceeded to the election of Principal Clerk.

Mr. Newcomb nominated Mr. Nixon, of Clarke county.

Mr. Fuller nominated Mr. Rufus Magee, of Marion county.

Those who voted for Cyrus T. Nixon, were,

Messrs. Belford, Bischof, Blanch, Branham, Brucker, Campbell, Chambers, Crain, Daggy, Danaldson, Dunn, Erwin, Evans, Ferris, Funk, Geisendorff, Gordon, Greer, Griggs, Hartman, Hamilton, Higgins, Hopkins, Hudson, Hughes, Litson, Long of Kosciusko, Martin, Mason, McCarthy, McClasky, McLean, McMurray, Miller, Moore, Newcomb, North, Peele, Prather, Ratliff, Rosser, Sabin, Scammahorn, Shook, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Stafford, Stewart, Thrasher, Thomas, Wason, Watson, Wilson, Wolfer, Wolflin, Woods, and Wright—59.

Those who voted for Rufus Magee were,

Messrs. Baker, Barritt, Bird, Black, Bobo, Carter, Corey, Crowe, Douglass, Edmonson, Fuller, Gordon, Greene, Hays, Hopkins, Honneus, Hostetter, Hungate, Inman, Kiser, Long of Jackson,

Lopp, Matthis, McFadin, Morrison, Montgomery, O'Neil, Ross, Shanks, Shields, Shoaff, Shull, Stackhouse, Tebbs, Thatcher, Van Valkenburgh, Vawter, Williams, White, and Wolfe—40.

Cyrus T. Nixon having received a majority of all the votes cast, was declared, by the Speaker, duly elected Clerk of the House of Representatives for and during the present term.

On motion, the House proceeded to the election of Assistant Clerk.

Mr. Litson nominated Philip A. B. Kennedy, of Fountain county.

Mr. Montgomery nominated S. Carver, of Johnson county.

Those who voted for Philip A. B. Kennedy were,

Messrs. Belford, Bischof, Blanch, Branham, Brucker, Campbell, Chambers, Crain, Daggy, Danaldson, Dunn, Erwin, Evans, Ferris, Foulke, Funk, Geisendorff, Gordon, Greer, Griggs, Hartman, Hamilton, Higgins, Hopkins, Hudson, Hughes, Litson, Long of Kosciusko, Martin, Mason, McCarthy, McClasky, McLean, McMurray, Miller, Moore, Newcomb, North, Peelle, Prather, Ratliff, Rosser, Scammahorn, Shook, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Stafford, Stewart, Thrasher, Thomas, Wason, Watson, Wilson, Wolfer, Wolflin, Woods, and Wright—59.

Those who voted for S. Carver were,

Messrs. Baker, Barritt, Bird, Black, Bobo, Carter, Corey, Crowe, Douglass, Edmonson, Fuller, Greene, Hays, Honneus, Hostetter, Hungate, Inman, Kiser, Long of Jackson, Lopp, Matthis, McFadin, Morrison, Montgomery, O'Neil, Ross, Shanks, Shields, Shoaff, Shull, Stackhouse, Tebbs, Thatcher, Van Valkenburgh, Vawter, Williams, White, and Wolfe—38.

Philip A. B. Kennedy having received a majority of all the votes cast, was declared duly elected Assistant Clerk for and during the present term.

The Principal and Assistant Clerks were duly sworn into office by the Speaker, and entered upon the discharge of their respective duties.

On motion, the House then proceeded to the election of Door-keeper.

Mr. McLean nominated John Campbell.

Mr. Greene nominated Elijah L. Ferguson.

Those who voted for John Campbell were,

Messrs. Belford, Bischof, Blanch, Brucker, Campbell, Chambers, Crain, Daggy, Douglass Dunn, Erwin, Evans, Ferris, Foulke, Funk, Geisendorff, Gordon, Greer, Griggs, Hartman, Hamilton, Higgins, Hopkins, Hudson, Hughes, Litson, Long of Kosciusko, Martin, Mason, McCarthy, McClasky, McLean, McMurray, Miller, Moore, Newcomb, North, Peelle, Prather, Ratliff, Rosser, Sabin, Scammahorn, Shook, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Stafford, Stewart, Thrasher, Thomas, Wason, Watson, Wilson, Wolfer, Wolflin, Woods, Wright, and Mr. Speaker—60.

Those who voted for E. L. Ferguson were,

Messrs. Baker, Barritt, Bird, Black, Bobo, Carter, Corey, Crowe, Danaldson, Edmonson, Fuller, Greene, Hays, Honneus, Hóstetter, Hungate, Inman, Kiser, Long of Jackson, Lopp, Matthis, McFadin, Morrison, Montgomery, O'Neil, Ross, Shanks, Shields, Shoaff, Shull, Stackhouse, Tebbs, Thatcher, Van Valkenburgh, Vawter, Williams, White, and Wolfe—38.

John Campbell having received a majority of all the votes cast, was declared duly elected Doorkeeper for and during the present term, and was sworn into office by the Speaker of the House, and entered upon the discharge of his duties.

Mr. Prather offered the following resolution:

*Resolved*, That the rules of the last Legislature be the rules of this House until others are adopted, and that a select committee of

five be appointed to revise said rules for the government of this House.

Mr. Newcomb moved to amend by excepting rule (63) sixty-three.

Which was agreed to.

Mr. Thatcher moved to lay the resolution on the table.

Messrs. Thatcher and White demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barritt, Bird, Black, Bobo, Carter, Corey, Crowe, Danaldson, Edmonson, Fuller, Greene, Hays, Honneus, Hostetter, Hungate, Inman, Kiser, Long of Jackson, Lopp, Matthis, McFadin, Morrison, Montgomery, O'Neil, Ross, Shanks, Shields, Shoaff, Shull, Stackhouse, Tebbs, Thatcher, Van Valkenburgh, Vawter, Williams, White, and Wolfe—38.

Those who voted in the negative were,

Messrs. Belford, Bischof, Blanch, Brucker, Campbell, Chambers, Crain, Daggy, Douglass, Dunn, Erwin, Evans, Ferris, Foulke, Funk, Geisendorff, Gordon, Greer, Griggs, Hartman, Hamilton, Higgins, Hopkins, Hudson, Hughes, Litson, Long of Kosciusko, Martin, Mason, McCarthy, McClasky, McLean, McMurray, Miller, Moore, Newcomb, North, Peelle, Prather, Ratliff, Rosser, Sabin, Scammarhorn, Shook, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Stafford, Stewart, Thrasher, Thomas, Wason, Watson, Wilson, Wolfer, Wolflin, Woods, Wright, and Mr. Speaker—60.

So the motion to lay on the table was not agreed to.

The resolution was then agreed to.

Mr. White offered the following resolution:

*Resolved*, That the Speaker of the House appoint a committee of three members of the House, whose duty it shall be to confirm the employment of all the assistants of the officers of the House, and that no person shall be allowed to draw pay for services as

such assistant unless his employment is authorized by said committee.

Mr. Shuey moved to substitute the following resolution :

*Resolved*, That a committee of five be appointed, who with the Speaker, Principal Clerk, Assistant Clerk, and Doorkeeper, shall have a general supervision of all employees of the House, fix the number to be employed, and that they report their doings to the House.

Which was agreed to.

The resolution was then adopted.

Mr. Shuey offered the following resolution :

*Resolved*, That a special committee of seven be appointed, who shall fix the amount that shall be allowed to each member and officer of the House for stationery and postage stamps, and the number of papers to be furnished by the House; and that said committee be requested to make report by to-morrow morning; and that all resolutions on the subject of stationery or papers, be referred to said committee without debate.

Which was agreed to.

Mr. Stewart offered the following resolution :

*Resolved*, That a committee of three on the part of this House be appointed to inform the Senate that they are now organized by the election of Hon. D. C. Branham as Speaker, Hon. C. T. Nixon Principal Clerk, P. A. B. Kennedy Assistant Clerk, and Captain John Campbell as Doorkeeper; and are now ready to proceed to business.

Which was agreed to.

Message from the Senate, by Mr Wilson, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has organized by the election of the following officers :

Principal Secretary, O. M. Wilson, of Marion; Assistant Secretary, T. M. Browne, of Randolph; Doorkeeper, S. G. Thompson, of Wabash.

Mr. Thatcher offered the following resolution:

*Resolved*, That until further ordered, the Doorkeeper be requested to obtain the letters and other mail matter from the Post Office, and distribute the same to the members of this House.

Which was agreed to.

The Speaker announced the following Special Committee on the employees of the House:

Messrs. Crain, Shull, Litson, Lopp, Griggs, Baker, and Belford.

The Speaker announced the following Special Committees:

Committee on Rules of the House,

Messrs. Prather, Newcomb, Long of Jackson, Higgins, and McFadin.

The Speaker announced the following Committee on Stationery:

Messrs. Shuey, Shoaff, Hartman, Edmonson, Miller, White, and Foulke.

The Speaker announced the following committee:

Committee to inform the Senate of the organization of House,

Messrs. Stewart, Thatcher, and Brucker.

On motion by Mr. Wolfe, the House adjourned till 2 o'clock P. M.

TWO O'CLOCK P. M.

The House met.

Mr. Shuey obtained leave and introduced

Joint Resolution No. 1. A Joint Resolution accepting and ratifying certain amendments to the Constitution of the United States proposed by Congress to the Legislatures of the several States.

Which was read a first time, and,

On motion by Mr. Shuey, was referred to a special committee of seven.

Messrs. Shuey, Honneus, Newcomb, White, Litson, Carter, and Miller were appointed said committee.

Mr. Crain obtained leave and introduced

Joint Resolution No. 2. A Joint Resolution instructing our Senators, and requesting our Representatives in Congress, to use their influence to have the interest bearing debt of the United States first paid.

Which was read a first time, and,

On motion, was referred to a special committee of three.

Messrs. Crain, Ross, and Hopkins were appointed said committee.

Mr. Hartman offered the following resolution:

*Resolved*, That a committee of three be appointed by the Speaker, who, with a like committee on the part of the Senate, are requested to inform His Excellency the Governor, that the General Assembly is now organized, and ready to hear any communication he may have to make; and that the Clerk be requested to communicate this resolution to the Senate.

Which was agreed to.

Mr. Prather obtained leave and introduced

House bill No. 1. A bill to apportion Senators and Representatives for the next — years.

Mr. McLean offered the following resolution:

*Resolved,* That a committee of one from each Congressional District be appointed, to whom all bills upon the subject of re-districting the State, for legislative purposes, be referred.

Mr. Wolfe moved to amend by making the number two.

Mr. Higgins moved to lay the amendment on the table.

Which was agreed to.

Mr. Miller moved to amend by making said committee a joint one.

Which was not agreed to.

Mr. Belford offered the following resolution:

*Resolved,* That the Librarian be instructed to purchase, for each Member, a copy of Gavin & Hord's Revised Statutes of the State of Indiana, and place the same on his desk, provided they can be furnished at wholesale prices.

Mr. Miller obtained leave and introduced

House bill No. 2. A bill to amend an act entitled, "An act to incorporate the Preachers' Aid Society," approved February 12, 1841, and to authorize and require said incorporation to divide and pay over, in equal shares, to each Preachers' Aid Society in the several Annual Conferences in Indiana, the funds of said incorporation, by the 1st of January, 1868.

Read a first time, and passed to a second reading.

Mr. Thatcher obtained leave and introduced

House bill No. 3. A bill to fix the times of holding the Courts of Common Pleas in the Eighth Judicial District of the State of Indiana, and repealing former laws on the subject, and declaring when this act shall take effect.

Which was read a first time, and,

On motion by Mr. Thatcher, was referred to a special committee composed of Members from the Judicial Circuit affected by said bill.



Mr. McFadin obtained leave and introduced

House bill No. 4. A bill to amend section 20 of an act entitled, "An act regulating the fees of officers and repealing former acts in relation thereto," approved March 2, 1855.

Which was read a first time, and passed to a second reading.

Mr. Williams obtained leave and introduced

House bill No. 5. A bill to amend the first and second sections of an act to amend the eighth section of an act entitled "An act to fix the time of holding the Common Pleas Courts in the several counties in this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when the same shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859, and which eighth section was amended and approved March 11, 1861, approved December 20, 1865.

Which was read a first time, and,

On motion, referred to a special committee composed of Members from the Judicial Circuit affected by said bill.

Mr. Shuey obtained leave and introduced

Joint Resolution No. 3. A Joint Resolution proposing an amendment to the ninth section of the third article of the Constitution of this State.

Was read a first time, and passed to a second reading.

Mr. McCarthy obtained leave and introduced

House bill No. 6. A bill for the registry of electors, and prescribing the duties of officers in relation thereto.

Was read a first time, and referred to the Committee on the Judiciary.

Mr. Baker obtained leave and introduced

House bill No. 7. A bill to authorize the Judges of the Circuit Courts in this State to receive pleas of guilty from persons in prison, and fix the punishment of offenders, during the vacation of Court.

Was read a first time, and referred to the Committee on the Judiciary.

Mr. Woods obtained leave and introduced

House bill No. 8. A bill to amend the ninety-ninth section of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Was read a first time and referred to the Committee on the Judiciary.

Mr. McFadin obtained leave and introduced

House bill No. 9. A bill to amend section one of an act entitled "An act to provide for the protection of wild game, defining the time when the same may be taken or killed, and declaring the penalties for the violations of this act," approved February 26, 1857.

Was read a first time, and referred to the Committee on the Judiciary.

Mr. McFadin obtained leave and introduced

House bill No. 10. A bill to amend section seven of an act entitled "An act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855, and repealing all acts in conflict therewith.

Was read a first time, and referred to the Committee on the Judiciary.

Mr. Montgomery obtained leave and introduced

House bill No. 11. A bill amending section ten of an act regulating the fees of officers, and repealing former acts in relation thereto, approved March 2, 1855.

Which was read a first time, and,

On motion, referred to the Committee on Fees and Salaries.

Mr. Woods obtained leave and introduced

House bill No. 12. A bill to constitute the Fourteenth Judicial

Circuit of Indiana, to fix the time of holding the courts in said Circuit, and to repeal all laws in conflict therewith.

Which was read a first time, and,

On motion, referred to the Committee on the Organization of Courts of Justice.

Mr. Kiser obtained leave and presented a petition signed by Samuel P. Freeman and others, asking for an appropriation to aid in building a monument in honor to the memory of Anthony Wayne.

Which was read, and referred to the Committee on Ways and Means.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the President of the Senate to inform the House that the Senate, in compliance with request of this House, has appointed a committee consisting of Senators Bennett, Oyler, and Newlin, on the part of the Senate, to wait upon his Excellency, and inform him that the General Assembly has organized, and await his pleasure for any communication that he may desire to make.

Mr. Hartman, from a Special Committee, made the following report:

The committee appointed to wait upon his Excellency, the Governor, would respectfully report, that in conjunction with the committee from the Senate, they waited upon the Governor, and informed him that the General Assembly was organized and ready to receive any communication from him, and that he informed them that he would be ready to deliver his message at half past two o'clock on to-morrow, if agreeable to the General Assembly.

Which was laid on the table.

Mr. McLean moved to take up the foregoing message from the Senate.

Which was agreed to.

H. J.—2

The message was then concurred in.

Messrs. Hartman, Wolflin, and Hughes were appointed the committee on the part of the House.

Mr. Newcomb offered the following resolution :

*Resolved*, That the Senate be invited to attend in the Hall of the House at two o'clock P. M. on to-morrow, to hear the message of his Excellency, the Governor.

Which was agreed to.

Messrs. Newcomb, Kiser, and Woods were appointed said committee.

On motion by Mr. McLean, the House adjourned till to-morrow at 2 o'clock P. M.

FRIDAY AFTERNOON, 2 o'clock, }  
January 11, 1867. }

The House met, Speaker in the chair.

Mr. Shuey moved that the reading of yesterday's journal be temporarily dispensed with.

Which was agreed to.

Mr. Shuey offered the following resolution:

*Resolved*, That the Doorkeeper be requested to prepare seats on the right of the Speaker's desk for the use of the members of the Senate, and that the Clerk be requested to inform the Senate that the House is now ready to meet with that body in joint convention, to hear the message of his Excellency, the Governor.

Which was agreed to.

The Speaker appointed the following Special Committee on Joint Resolution No. 1:

Messrs. Shuey, Honneus, Newcomb, White, Litson, Carter, and Miller.

The Speaker appointed the following Special Committee on Joint Resolution No. 2:

Messrs. Crain, Ross, and Hopkins.

The Speaker appointed the following Special Committee on House bill No. 3:

Messrs. Thacher, Griggs, Hughes, Vawter, and Williams.

Mr. George W. Spencer, a member elect from the counties of Benton and White, appeared and presented his credentials, and was sworn in by the Speaker, and took his seat.

The Speaker laid before the House the following communication, with accompanying documents:

Report of the Trustees for the Vincennes University, to the Legislature of the State of Indiana.

Agreeably to the requisitions of the charter of the Vincennes University, it is made the duty of the Trustees for the same, to report to the Legislature. In obedience to said requisition, I have the honor to report the present condition of the same, and by the accompanying reports of the several teachers, the present working of the same. In addition to which, it is contemplated to start our College proper next fall session. We have had heretofore many difficulties to overcome, chiefly on account of our want of sufficient available means. Our funds consist of \$41,585, in Indiana six per cent. Bonds. In addition to which, we own the buildings and lots in the city, used for the several departments of our schools, and a judgment of upwards of \$1,300, which we hope to realize.

Respectfully submitted,

JOSEPH LONUS, *Secretary.*

*To the Board of Trustees for the Vincennes University.*

Which was laid on the table.

The Speaker laid before the House the following communication from the Auditor of State, with accompanying report:

INDIANAPOLIS, IND., Jan. 10, 1867,

HON. D. C. BRANHAM,

*Speaker of the House of Representatives:*

SIR:—In compliance with Section 12 of "an act to provide for the enumeration of the white male inhabitants of this State, over the age of twenty-one years, approved December 21, 1865," I have the honor to transmit herewith two hundred copies of an outline map, showing the relative size, shape and position of each county, with the names, and figures representing the number of white male inhabitants thereof, printed within the boundaries of each county, according to the enumeration taken in the year 1866, and request that you will lay the same before the House.

Very respectfully, your obedient servant,

T. B. McCARTY,

*Auditor of State.*

Which was laid on the table.

Mr. McLean presented the following communication from the Superintendent of Public Instruction, with accompanying report:

INDIANAPOLIS, IND., Jan. 10, 1867.

HON. D. C. BRANHAM,

*Speaker of the House of Representatives:*

I have the honor to submit herewith to the House, the Biennial Report of the Superintendent of Public Instruction, for the years 1865 and 1866.

Respectfully and obediently,

GEORGE W. HOSS,

*Superintendent of Public Instruction.*

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has accepted the invitation of the House, to meet in the Hall of the House this day at 2 o'clock P. M., to hear the message of his Excellency, the Governor.

The Senate came into the Hall, and was seated on the right of the Speaker.

The Rev. Mr. Heckman opened the session by prayer.

His Excellency, the Governor, then delivered the following message:

*Gentlemen of the Senate and House of Representatives:*

Throughout the year which has just passed, the people of Indiana have been greatly blessed. The pestilence which desolated other parts of the country, touched within our borders but lightly, and did not long remain, and good health has generally prevailed to an unusual degree.

Although one of our staple crops has fallen short, causing loss and embarrassment to many, yet we have had great and almost unexampled prosperity.

Agriculture has been prosperous, commerce has flourished, manufactures have been extended, public improvements of various kinds projected and successfully prosecuted.

When we consider that the country has just emerged from a dreadful war, in which our State bore a distinguished part, and suf-

ferred greatly in the loss of thousands of her best citizens, and the withdrawal from labor and business of many thousands more, her general prosperity and growth in population and wealth is as surprising as it is gratifying.

According to the census of 1860, the population of Indiana was one million three hundred and fifty thousand four hundred and twenty-eight (1,350,428).

By the enumeration which has been made and returned to the Auditor of State, under an act of the last Legislature, it is shown that, in 1866, the State had a population of three hundred and forty thousand two hundred and forty (340,240) white males over the age of twenty-one years, which number multiplied by the ratio usually adopted, would give a population of over one million seven hundred thousand. The estimate will also be sustained by comparing the aggregate vote of 1860 with that of 1866, and shows an increase of more than three hundred and fifty thousand in six years.

According to this ratio of increase, the State will have within her borders in 1870 more than two millions of people, which would be an increase of over forty-eight per cent. in ten years. It is doubtful whether any State in the Union is growing more rapidly in population, wealth, manufactures, public improvements, and the general development of agricultural resources. This great result is owing in large part to the high character which the State has acquired during the war.

The large number of men she furnished to the armies of the Union, under circumstances of great trial and difficulty, their uniform and distinguished gallantry on every battlefield, surpassed by the soldiers of no other State, the great and continued liberality of her people for sanitary purposes and to relieve the distress growing out of the war, and the faithful performance of all obligations of whatsoever kind in the midst of the great conflict, have commanded universal admiration and directed the attention of the enterprising, and those who in every State are seeking for new homes, to the advantages presented to the labor and capital of the immigrant.

GOVERNOR BAKER.

I was absent from the State on account of ill health, from the 16th day of November, 1865, until the 17th day of April, 1866, during which period the duties of the office, under the Constitution, were performed by Governor Baker. The great ability and fidelity to the



interests of the State, which distinguished the administration of Governor Baker, commanded the general approval of the people, and makes a public acknowledgement on my part proper as well as a great pleasure. The duties which devolved upon him were of an important character, and were so well and faithfully discharged as to be satisfactory to all.

#### THE PUBLIC DEBT OF THE STATE.

The public debt of the State outstanding in the hands of creditors, to be provided for, is as follows :

Five per cent. stocks .....	\$3,829,936 33
Two and a half per cent. stocks .....	1,191,091 65
<hr/>	
Total amount of stocks.....	\$5,021,027 98
War Loan Bonds .....	309,000 00
Vincennes University Bonds.....	66,585 00
<hr/>	
Total public debt.....	\$5,396,612 98

The Auditor estimates that the State Debt Sinking Fund tax for 1866 will on the 1st day of July next, furnish nine hundred thousand dollars, (\$900,000) and that enough can be drawn from the General Fund in the Treasury at that time, and added to this amount, to redeem all the outstanding two and a half per cent. stocks, which will leave outstanding in the hands of creditors, to be provided for otherwise, four million two hundred and five thousand five hundred and twenty-one dollars and thirty-three cents (\$4,205,521 33).

The assets of the Sinking Fund, independent of State stocks and bonds, which, by the law of last winter, are to be applied to the payment of the State Debt, may be safely estimated at one million dollars (\$1,000,000), of which amount five hundred thousand dollars (\$500,000) can be made available by the 1st of July, 1870, and which if properly applied, would leave the balance of the debt to be provided for and paid by taxation, three million seven hundred and five thousand five hundred and twenty-one dollars and thirty-three cents (\$3,705,521 33), which, it is estimated by the Auditor, will be fully accomplished, at the present rate of taxation for that purpose, by the 1st of July, 1870.

This shows the financial condition of the State to be better than at any former period in her history, and presents the gratifying prospect that by 1870 she will have taken up all her stocks and be

out of debt, without adding to the taxes which have been already imposed.

To avoid confusion of ideas it must be borne in mind that the money and property of whatever kind belonging to the old Sinking Fund are held for the benefit of the School Fund, and while so much of the State Debt as may be purchased by the Sinking Fund is thereby extinguished in so far as creditors and the public are concerned yet it must, in another form, be kept alive for the benefit of the School Fund.

The report of the State Auditor will be found to be an able and thorough document, giving a full exposition of the business affairs of the State.

In the above estimate of the indebtedness of the State I have omitted the internal improvement bonds, amounting to three hundred and fifty three thousand dollars (353,000.)

The Auditor in his report, following the example of his predecessors for more than twenty years, has put these bonds down as a part of the indebtedness of the State. They belong to the old debt of the State upon which a compromise was made in 1846, the holders of them failing or refusing to enter into or take part in the compromise. Upon these bonds interest has not been paid for more than twenty-five years. The attitude of the State in regard to them is not creditable and ought to be changed. Year by year, the State, by her accounting officers publishes and confesses to the world that they are a part of her indebtedness, but pays no interest on them, which has now accumulated to more than half a million of dollars, and makes no offer to pay the principal although it has long been due. The character of Indiana is too high, and her position too proud to allow her to occupy an attitude so equivocal. It is not my purpose to enter into any discussion at this time as to the legal and moral obligation of the State to pay the interest and principal of these bonds in whole or in part; but I desire simply to say that if the State believes that she is not bound to pay them and does not intend to do so, she should through the Legislature promptly declare that fact to the world, and have them stricken from the books of the Auditor.

If, on the other hand, she holds herself bound to pay the whole or any part, she can not honorably longer delay to take action for that purpose, as her ability to pay can not be denied.

## STATE DEBT SINKING FUND.

In pursuance of the provisions of an act passed at the late special session of the Legislature, creating a State Debt Sinking Fund, for the payment of the State debt, and abolishing the Board of Sinking Fund Commissioners and all offices connected therewith, the Auditor, Treasurer and Agent of State, acting as the State Debt Sinking Fund Board, have purchased in the market four hundred and sixty thousand, thirty-six dollars and ninety one cents of the certificates of Stock, bearing interest at the rate of two and a half per cent., which they have caused to be cancelled.

The Board of Sinking Fund Commissioners, by virtue of an act passed also at the late extra session, directing them to invest any moneys belonging to the Fund in Indiana State Bonds or Stocks, have purchased Stocks and Bonds to the amount of seven hundred and nine thousand, and twenty-four dollars and eighty-five cents.

The Auditor of State and the Agent of State in their reports point out several material defects in the first of the above mentioned acts which require legislative remedy. In addition to those pointed out by these officers, I will call your attention to another.

The seventh section of the act abolishes the Board of Sinking Fund Commissioners on the 20th day of January, 1867, and directs that all the property of whatever kind, both real and personal, belonging, to said Fund, together with the books and papers, be surrendered and turned over to the Auditor. The annual sale of Sinking Fund lands took place on the 11th day of December, 1866, and by the terms of the law, deeds are to be made to the purchasers of such as are not redeemed at the expiration of sixty days from that time, which will be in February, at which time the Board of Sinking Fund Commissioners having ceased to exist, there will be no officer having authority to execute the conveyances. It will therefore be necessary to empower some officer or officers to execute the deeds and perfect the contract with the purchasers.

The act is further defective in failing to give the Auditor authority to collect the money upon the Bonds and Mortgages falling due, which are to be placed in his hands by the Sinking Fund, by selling the mortgaged lands.

Such authority should be directly conferred, and he, or other proper officers, should be empowered to execute conveyances to the purchasers.

As the law now stands after the 20th of January, 1867, there will be no officer authorized to sell the mortgaged lands, or make deeds to purchasers therefor.

The borrowers from the Sinking Fund on mortgage security, have, by special enactment, had their loans extended for five years from 1868, by paying the amount due in equal annual installments. Upon their failure to pay any of these installments, their lands can be offered for sale, and if there are no cash bidders, sold on a credit of five years. This may defer a collection of a part of the money for eleven years, and as the State has abandoned the policy of lending money on mortgage security, it will be inconvenient and unnecessary to keep these claims outstanding so long, and I therefore recommend that the law be so changed that when the mortgaged lands are sold, they be sold for cash, and thus close up the transaction five years sooner.

#### SINKING FUND INVESTIGATION.

At the late special session a concurrent resolution was adopted directing the Governor to appoint a committee of three persons to investigate the management and operations of the Sinking Fund, and the manner in which the moneys belonging to it had been invested or deposited.

Governor Baker appointed on this committee, Hon. E. W. H. Ellis, Hon. John A. Matson, and Major Thomas J. De La Hunt. The committee met and organized by the appointment of Charles P. Jacobs, Esq., as Secretary, and proceeded to the investigation.

Their report, accompanied with the evidence in the matter, is herewith submitted.

#### ADJUTANT GENERAL'S REPORT.

The office of Adjutant General has been well and ably administered by General Terrell. The report which he is publishing will consist of seven large volumes, of which six have been already issued, and will be invaluable as a history of the officers and soldiers of Indiana during the late rebellion. It is intended to give the name and military history of every officer and soldier who went into the army from this State, and thus furnish a public record of the service and honorable discharge of every good soldier, and fix the status of every deserter and of every man who was dismissed or punished for cowardice or crime. The value of the record will increase with years,

and will be held sacred by coming generations, to whom it will perpetuate the honorable deeds of their ancestors; and it is to be regretted that the Legislature did not make provisions to have the work stereotyped and the plates purchased and held by the State. From those who have compared it with the reports from other States, I am assured that it will be found to be more complete in its information and perfect in its arrangement than any similar work, and General Terrell is certainly entitled to great credit for the ability, care and industry displayed in its preparation.

#### QUARTERMASTER GENERAL'S DEPARTMENT.

The State received from the General Government, at various times during the war, for the use of the Indiana Legion, (41,572) forty-one thousand five hundred and seventy-two pieces of small arms, and twenty-one pieces of artillery, with carriages, caissons, and equipments, all of which were charged to the State, and required to be accounted for.

The report of the State Quartermaster, General Stone, shows that (41,212) forty-one thousand two hundred and twelve guns have been returned to the proper United States ordnance officers at this point, and (530) five hundred and thirty guns lost and destroyed in the service have been accounted for by proper affidavits, making a total of (41,742) forty-one thousand seven hundred and forty-two guns accounted for to the General Government, and that all the artillery, caissons, and equipments have been returned. This leaves the State clear of all liability on the score of arms for the use of the militia, and the account has been closed, which is a most desirable result.

General Stone's report is lengthy, and gives a comprehensive statement of the operations of the Quartermaster's Department from the time of his appointment. The Department has been a large and cumbrous machine, but has been managed with great fidelity, ability and success, for which General Stone is well entitled to the thanks of the State. His position has been one of great responsibility and labor, and its duties have been performed to my entire satisfaction. Your attention is especially invited to the interesting details in his Report.

#### PAYMASTER GENERAL'S REPORT.

The report of Major Stearns Fisher, Paymaster of the Indiana Legion, shows that about fifty thousand men have received pay for

military service in repelling rebel raids and guarding against invasion.

The whole amount of money disbursed by him for military service amounts to five hundred and sixty-six thousand three hundred and ninety dollars and twenty-eight cents (\$566,390.28). There still remain unpaid claims allowed by the Auditing Committee amounting to over thirty-three thousand dollars, which are being paid as fast as presented. And there are also claims, apparently just, amounting to twenty-five or thirty thousand dollars, which have been presented since the Auditing Committee was abolished, but cannot be paid until an appropriation is made for that purpose. Although the amount of money disbursed is not very large comparatively, yet it has been paid out in small sums, and the business has been complex, involving a great number of accounts, and has been ably and faithfully performed by Major Fisher.

#### COLONEL WILLIAM H. SCHLATER.

Colonel William H. Schlater has acted as my Military Secretary, except during the time that he was in the field, from the beginning of the war. His ability for the correct and rapid dispatch of business as a Secretary, is without a superior, and his accurate recollection of names, dates, and minute circumstances connected with the organization of the army, rendered his services most valuable. Our relations have been most agreeable, and it affords me pleasure to make this public acknowledgment.

#### MILITARY AGENCIES.

The military agencies in this city, and in Washington, for the prosecution and collection, free of charge, of bounties, back pay and pensions, due to soldiers and soldiers' widows and orphans, have been kept in operation, and have transacted a large amount of business and rendered great service to those who are poorly able to pay for it. The report of William Hannaman, Esq., gives a full statement of the transactions of the two agencies, and contains matter and suggestions of much interest and importance. In my opinion the agencies ought to be maintained and their sphere of usefulness enlarged by appropriate legislation.

#### BENEVOLENT INSTITUTIONS.

The general management of the Institutions for the Blind and Deaf and Dumb, and the Asylum for the Insane has been satis-

factory, and I believe that the Board of Trustees and the several superintendents, have labored to conduct them upon sound and economical principles. At the last session of the General Assembly an act was passed authorizing the enlargement of the Insane Asylum for the reception and care of the "incurable insane." The construction of the buildings has been commenced, but further appropriations will be required for their completion. The necessity for this enlargement and addition can not be denied. Many cases of the "incurable insane" have come to my knowledge, where the patients are without friends, or their friends are unable to take care of them, and which are of a character to make it difficult to provide for them in the County Poor Houses, and render it important that the new building should be completed without delay.

The general efficiency and success of the benevolent institutions of Indiana are creditable to the intelligence and humanity of her people.

#### PENITENTIARIES.

The reports from the Boards of Trustees and the Wardens of the Northern and Southern prisons, and other information I have received, show that the prisons have been well and economically conducted. A fire occurred in the machine shops of the Southern Prison last summer, by which considerable damage was done, and a number of convicts thrown out of employment. As they could not again be returned to labor until the damages had been repaired, for which there was no appropriation, I took the responsibility of urging the State Treasurer, Honorable John I. Morrison, to pay from the Treasury the necessary amount to make the repairs, which he did, and I now respectfully ask this General Assembly to approve his conduct. It was done to prevent a considerable loss to the State in the way of convict labor.

The Report of the Board of Trustees of the Northern Prison states that the sum of sixty-three thousand eight hundred and ninety-two dollars and seventy-six cents will be necessary to complete the construction of that prison, and for deficiencies on account of work and materials already furnished, eighty-seven thousand nine hundred and twenty-nine dollars and forty-three cents, for which amounts an appropriation is asked, and to which your attention is specially directed.



## HOUSE OF REFUGE.

The second section of the ninth article of the Constitution reads as follows :

“The General Assembly shall provide Houses of Refuge for the reformation and correction of juvenile offenders.”

This constitutional provision, adopted in 1851, and which is plainly mandatory in its character, up to this time remains wholly unexecuted. The necessity for such institutions is admitted by all who are at all familiar with the administration of the law, and I believe that a strong public sentiment demands that the legislative consideration of the subject shall not be longer postponed. We have no punishment now for the juvenile offender but the common jail and the penitentiary, neither of which exert a reformatory influence upon the youthful mind ; and, during my six years experience as the Executive of the State, I have often been constrained to pardon the youthful criminal, because I felt that to incarcerate him in the penitentiary would be to consign him to a life of degradation and crime. Humanity, justice, and the plainest principles of public policy, demand that the juvenile offender shall not be treated like the mature and hardened criminal, and placed in the society of felons, but that an effort shall be made, while he is yet in tender years, to reclaim him from vice and train him to a life of usefulness and respectability.

The “House of Refuge,” as it has long existed in many of the older States, is a vast improvement upon the jail and the penitentiary ; but within the last few years great progress has been made in elevating the system, and results have been obtained in the reform and education of juvenile offenders that are truly wonderful.

The introduction of the “Reform School” is, in many respects, a great improvement upon the old House of Refuge, and has been attended with a success which it would be hard to believe were it not attested by indubitable evidence.

Barnabas C. Hobbs and Charles F. Coffin, distinguished members of the Society of Friends, have bestowed much attention and labor upon the subject, and have addressed to me valuable communications, which I herewith lay before you, together with reports and documents setting forth the character and operations of the Reform Schools of New York, Ohio and Illinois.

As the subject is one of no ordinary magnitude, and requires for its full understanding much thought and investigation, and as the



system you may adopt will be intended not for a year only, but for all time, and should be wisely considered, I recommend that committees be appointed at an early day, with full powers to investigate the subject and report a plan, if possible, for your consideration and action at the present session.

#### SUPREME COURT.

I deem it my duty to direct your attention to the fact that no provision has been made for the accommodation of the Supreme Court. The State House does not afford sufficient room at any time, and during the sessions of the Legislature none of the Judges can occupy rooms there for chambers. The large and increasing business of the Court can not be promptly disposed of unless the Judges have comfortable chambers, with convenient access to the law library and the judicial records.

The importance and dignity of the Court, the necessity for the prompt dispatch of its business, and a proper regard for the comfort and convenience of the Judges, require that the Court room, clerk's office, law library, and the chambers, should be situated adjacent to each other. It is not becoming or excusable that the judicial department of the government should be neglected and left to shift about for a local habitation, deprived of those conveniences necessary to the speedy and comfortable performance of its duties.

#### ENUMERATION AND APPORTIONMENT.

At the Special Session of the General Assembly, in 1865, an act was passed directing that an enumeration of the white male inhabitants over twenty-one years of age, be made in each county in the State, prescribing rules and regulations therefor.

This enumeration has been made and properly returned to the Auditor of State, who has caused it to be published.

Section 5, article 4, of the Constitution of the State declares that: "The number of Senators and Representatives shall at the session next following the period of making such enumeration be fixed by law, and apportioned among the several counties according to the number of white male inhabitants above twenty-one years of age in each."

This provision is positive and mandatory in its character, and requires this General Assembly to apportion Senators and Representatives among the several counties in the State, according to the number of white male inhabitants above twenty-one years of age in each.

The State for full six years has been without a law, apportioning Senators and Representatives in the several counties. During that time members of the General Assembly have been elected by common consent, and from necessity, upon the basis of the old law.

While these elections are really without authority of law, but from necessity must be received as legal, the basis made by the old apportionment, has by lapse of time and changes of population, become grossly inequitable.

The relative population of counties and Senatorial and Representative Districts has, in many cases, become so greatly altered as to conflict utterly with the theory of representation prescribed by the Constitution.

As the General Assembly is now in possession of the proper data upon which to make an apportionment, I trust that duty will be fully performed before your final adjournment.

#### REGISTRY LAW.

The purity of the ballot-box is essential to the maintenance of free institutions. In so far as it is corrupted, it not only fails to express the will of the people, but defeats their will, and places the political and civil power in the hands of fraudulent holders. If we would have the decisions of the ballot-box respected, and the voice of the majority peacefully obeyed, it must be by making our elections an honest exposition of the people's will—an exposition so fairly and certainly made, as to leave in the public mind no want of confidence in its integrity. But upon that subject I need not enlarge, as there is not a member of this General Assembly who does not fully comprehend its vital importance, and I will proceed at once to the consideration of the evil for which, if possible, a remedy should be found.

It is a notorious fact that under our election laws, men go to the polls and vote, who at the time have not the right to vote anywhere; that men vote in precincts and townships where they do not reside, and often vote several times on the same day, at different places, and sometimes at the same place.

The oath which is prescribed by law to be administered to persons, whose votes are challenged, has been found practically to furnish but little security against fraudulent voting.

The statute provides, that if taken it shall be conclusive as to the right of the person to vote, and no other evidence shall be received to impeach its truth.

In cities and precincts where the vote is large, it is administered in haste, and is received by those who are intent on fraudulent voting as an empty form, which carries with it no terrors, and to which little attention is paid. The only remedy for this evil, in my judgment, is the enactment of a law requiring all legal voters to be registered, in books prepared for that purpose, and before such officers, and in such manner and form as may be prescribed. Such registry to be completed by a certain time before the election, kept at a known place, and exposed to public inspection, that errors may be corrected and frauds detected.

It has been said, however, that under the Constitution a Registry Law can not be adopted. The constitutional provision is in these words:

“Article I. Section 2. In all elections not otherwise provided for by this Constitution, every white male citizen of the United States, of the age of twenty-one years and upwards, who shall have resided in the State during the six months immediately preceding such election; and every white male of foreign birth, of the age of twenty-one years and upwards, who shall have resided in the United States one year, and shall have resided in this State during the six months immediately preceding such election, and shall have declared his intention to become a citizen of the United States, conformably to the laws of the United States on the subject of naturalization, shall be entitled to vote in the township, or precinct where he may reside.”

From this it will appear that persons otherwise qualified have the right to vote, if they are residents of the township or precinct on the day of the election, and have had no previous residence therein, whence it has been said that a law requiring a registry on a day previous to the day of election, would be unconstitutional. There is, in my opinion, no force in this objection. The question as to the way and manner of proving residence is entirely within the control of the Legislature. It may by law require verbal proof, as it now does, or, it may require the evidence to be in writing. It may accept of the oath of the person proposing to vote as conclusive, or, it may reject

his oath altogether, and require the testimony of other persons. The Legislature has, from time to time, regulated the competency of witnesses and the form of giving testimony in courts of justice, in some cases requiring it to be in written depositions taken out of court; and in others the personal presence of the witnesses before the court and jury. It certainly has equal power to determine in what manner the proof of residence shall be made before an election board.

All persons claiming the right to vote, who are residents of the township or precinct, at a time certain before the election, say thirty days, can be legally required to have their names registered, in such place, and in such manner and form, as may be prescribed, and the registry thus made to constitute the legal evidence of their qualifications and right to vote. For such persons who claim to have acquired a residence within the township or precinct, within thirty days before the election, or on the day of the election, special provision can be made.

The constitutional provision of Illinois upon this subject is as follows:

“ARTICLE II. Section 1. In all elections, every white male citizen above the age of twenty-one years, having resided in the State one year next preceding any election, shall be entitled to vote at such election; and every white male inhabitant of the age aforesaid, who may be a resident of the State at the time of the adoption of this Constitution, shall have the right of voting as aforesaid; but no citizen or inhabitant shall be entitled to vote, except in the district or county in which he shall actually reside at the time of such election.”

It will be seen that upon the subject of residence in the township or precinct, it is the same as ours, it being sufficient to acquire the residence on the day of the election. The Legislature of Illinois has enacted a Registry law, and have provided that persons, claiming the right to vote, whose names are not upon the registry, shall make their affidavits in writing, stating specifically, the place where they live, when they acquired their residence, and their occupation, which affidavit must be sustained by the testimony, in writing, of some other person of acknowledged residence in the township or precinct. The cases coming under these specific provisions must ordinarily be few in number, and give but little delay or embarrassment to the Election Board, while the safeguards furnished against fraudulent voting are most obvious. In the one class of cases, the registry constitutes the evidence of the right to vote, and in the other class

the written affidavits, and there can be no question as to the legality of both provisions. It is quite possible that a better method can be adopted as to cases of late residence, than that prescribed by the Legislature of Illinois, which I have referred to only to show one plan which is in use.

I commend the subject to your earnest and immediate attention, trusting that the state of the public mind and the condition of parties are such that there will be no hesitation in any quarter in effecting the much needed reform.

#### SOLDIERS' AND SEAMEN'S HOME.

When the war ended and our armies were mustered out of the service, and hospitals broken up, there were many gallant soldiers who were disabled by wounds and diseases contracted in the service from making their own living, and taking care of themselves. Many of them were without homes and without friends, who must either pass into the common poor houses of the country as paupers, be subsisted by private charity, or provided for by the State. The support furnished by private charity, would be precarious and uncertain, and justice, humanity, and the honor of the State, forbade that these men should suffer for the comforts of life, or find that the poor house and the society of paupers should be the end and reward of their campaigns, in which they had sacrificed their health and capacity to provide for themselves. The State had called them to the field, and they had nobly responded, by abandoning their occupations, leaving behind them family, friends, the comforts and pleasures of life, and entered the army to fight for a cause in which they had no greater interest than those who remained at home to pursue their avocations and live quietly and safely with their families and friends.

It was not charity, it was not benevolence on the part of the people or the State to make liberal and generous provision for these men, but it was a duty than which none could be higher or more sacred. Accordingly, to meet immediate demands for relief, and to inaugurate a measure imperatively demanded by humanity and the strongest obligations, on the 15th day of May, 1865, I issued an address for the purpose of enlisting the sympathies of the people in establishing a Soldiers' and Seamen's Home, and in pursuance of the invitation contained in it, two successive meetings were held at Indianapolis for the purpose of effecting a temporary organization of

a Home for disabled Indiana Soldiers and Seamen, and to institute a system for the collection of voluntary contributions sufficient, ultimately, to place it on a permanent foundation.

At the second of these meetings, held on the 24th day of May, 1865, a temporary organization was effected, the basis of which will be seen by reference to a copy of the proceedings of said meeting herewith respectfully submitted. The temporary Home was opened in the City Hospital Building at Indianapolis, on the 27th day of August, 1865, and up to the 30th day of November, 1866, the number of men admitted was 224. Of this number 134 have been discharged, fourteen have died, and seventy-six remain in the Home. Early last spring the Board of Directors purchased the property known as the "Knightstown Springs," in Rush county, at a cost of \$8,500, to which place the Home was removed on the 26th day of April. The total expense of maintaining the Home from the time it was opened until the 30th of November last, not including the cost of purchase, is \$17,060.84. This includes the salaries of officers. If we add to the above sum the cost of purchase, it will make the sum of \$25,560.84, all of which has been raised by private contribution.

I herewith submit the report of Dr. Wishard, the excellent and successful Superintendent of the Institution, and quote from it the following extract, as descriptive of the property which has been purchased :

"The farm consists of fifty-four (54) acres of excellent land, thirty-five (35) of which are under cultivation—the balance a beautiful grove of forest timber. The buildings are large and commodious, affording ample room for about one hundred patients. They were however, much dilapidated and out of repair, but have been repaired until they are now very comfortable. Some additions have also been made in the way of hospital buildings, which are of great advantage in the treatment of the sick and wounded."

As lingering wounds, disease and old age do their work, the number of men to be cared for must largely increase for some years, and the question is presented, in what manner the institution shall be maintained?

Thus far it has been built up and supported by private contribution, resulting from the labor of a few men, but it cannot be kept in operation longer in this way. The obligation to support our disabled veterans rests equally upon all, while the number of persons who give by private contributions is small, and they are already tired and

demand that the burden shall be made to fall upon all the people according to their capacity to pay. That this demand is just and patriotic, I will not further argue, and earnestly recommend that committees be appointed to investigate and examine into the character of the institution, and upon their report, if satisfactory, it be adopted by the State, and appropriations made to carry it on for the next two years.

The National Government has made arrangements for the establishment and maintenance of Soldier's and Seamen's Homes in several of the States, and it is quite possible that these institutions when established will have capacity to receive and accommodate all, including disabled soldiers and seamen of Indiana.

When this comes to pass it will not be necessary to continue our Home, as such, longer, and the fine property where it is located can doubtless be turned to some other humane purpose. But until that occurs, it is, in my judgment, the duty of the State to adopt the Home and make appropriations for its support.

It would not be just to pass from this subject without stating the fact that the general management and supervision of the Soldiers' Home since its first organization has been under the care and direction of William Hannaman, Esq.; his heart has been in his work, and he has given to it unremitting attention, and much of its success has resulted from his labor.

#### THE SOLDIER'S ORPHAN.

The soldier's orphan has not been provided for. From a return made by County Auditors to a circular addressed to them by Mr. Hannaman, it is estimated that there are in the State 2,070 orphans whose fathers have perished in the army, and a number of whom are now in the county poor houses. Their natural protectors and guardians, by whose labor they were to be supported and educated, have died in the service of their country. Many of these orphans are left in destitute and helpless circumstances, without relatives or friends who are able or willing to give them training or education. Are they not the wards of the State? Is it not the duty of the State, dictated alike by justice, humanity, and the sacrifice made by their dead fathers, to step forward as far as possible, take the father's place in giving to these orphans protection and a sufficient education to fit them for useful and honorable members of society? Can the proposition be strengthened by argument? Does not the bare



statement of it carry conviction to the mind and touch the heart of every patriotic man? The way and manner in which this can be accomplished, is a proper subject for legislative research and discovery. But it has been suggested that if the General Government shall finally provide for our disabled soldiers and seamen, that the beautiful property near Knightstown, might be converted into a "Soldier's Orphans Home."

#### CEMETERIES AND MONUMENTS.

The report of Colonel James Blake, who was appointed Commissioner to represent Indiana on the Board of Managers of the Gettysburg Cemetery, contains a full history of the Cemetery, its condition, the amount of money required to finish it, and the proportion due from Indiana.

Papers will also be laid before you in relation to the Cemetery at Antietam, and asking a small appropriation to defray so much of the expense as falls to Indiana in the general arrangement.

The Board of Trustees of Crown Hill Cemetery, situated about two miles from this city, donated a sufficient and beautiful part of the Cemetery for the burial of Union soldiers who died in the camps and hospitals at this place, and such as might be brought from elsewhere. The Government of the United States, represented by General Ekin, accepted the donation and agreed to pay the Crown Hill Cemetery Association the sum of five thousand dollars to be expended in the improvement of the grounds, and the dead have already been removed from the places where they were first laid and buried, to the new Cemetery.

In this Cemetery there is a high hill, quite overlooking the city, and I recommend that upon this hill the State erect a monument in memory of her brave soldiers who perished in the rebellion. We cannot pay too much honor to the memory of the men who died for their country. This monument, overlooking all the country around, would be the first object to greet the eye of the traveler as he approaches the capital, and in the language of the great Webster, when he laid the corner-stone of Bunker Hill monument at Boston: "Let it rise! let it rise, till it meet the sun in its coming; let the earliest light of the morning gild it, and parting day linger and play upon its summit." To this monument each county of the State should be requested to contribute one block bearing such inscription as it might choose in commemoration of its dead and the part it bore in the war.



## EMIGRATION.

On the 18th of January, 1866, Gov. Baker issued to John A. Wilstach, Esq., an appointment as "Commissioner for the encouragement of emigration to the State of Indiana, and to take such steps both in the United States and in Europe as he may deem advisable for that purpose."

Mr. Wilstach's report is herewith submitted, and your attention invited to the important suggestions it contains.

It is not necessary to argue the importance of adding to the wealth and population of Indiana by increasing the emigration to her borders from the various countries of Europe. The agricultural and mineral resources of the State are as yet comparatively undeveloped, for the want of population, labor and capital. Nearly one-fourth of the whole area of the State is a coal field, a large part of which is said to be of the best quality. Excellent iron ore is found in vast quantities in many of the counties, and, throughout the State, excepting a few small localities, the soil is rich and fertile, capable of producing all the grains, grasses and fruits in the greatest abundance. The State abounds in fine timber, and living streams of water, and in every respect presents facilities for an easy and profitable agriculture, while an abundance of coal and water power furnishes the means for manufacturing on the largest scale and cheapest terms. Large tracts of country are yet unsettled, and in many counties the population is quite sparse, and it is not too much to say that the State can support, in ease and comfort, a population three or four times larger than the present.

The people of Europe desiring to emigrate to this country can not and will not select Indiana as a home unless they are advised there is such a State, and are informed somewhat in regard to its character, population, productions, improvements, climate, and the special advantages it presents to the emigrant. When we consider how little the mass of the people of this country know in regard to the condition and character of the interior countries of Europe, we may form some opinion as to how little the masses of the people there understand about ourselves and our State. While they may have a general knowledge of the character of this country, it is the specific knowledge of our State which will bring them to her borders, and this is what we should labor to give them.

I therefore earnestly recommend the establishment of a Bureau of Emigration, upon a plan similar to that adopted by several of the

Western States, providing for one or more Agents in Europe, whose duty it shall be to furnish to persons about to emigrate to America, information of the geography, population, wealth and resources of the State, and the prospects for health, comfort, wealth and education presented to those who come in search of new homes, and of such facilities for getting here as the State may be able to furnish. Some of our sister States have in this way added largely to their population and wealth, and while we are somewhat late in beginning, it will be later and worse for us the longer it is put off.

The fact that Indiana is rapidly growing in wealth and population, furnishes no reason why that growth should not be greatly accelerated by the use of means so simple and legitimate in their character, and costing so little when compared with the great advantages to be derived. I had the honor to call the attention of the Legislature to this subject at the regular session in 1865, and beg leave to repeat the arguments and recommendations I then offered.

I request your special attention to that part of Mr. Wilstach's report in which he describes the effort made and the difficulties attending it, to make an exhibition of Indiana productions, manufactures and mineral resources at the "World's Fair," to be held in Paris this year. The importance of thus presenting to the people of the "Old World" in a tangible form the great resources of our State, requires no illustration.

#### SCHOOLS.

The School Fund of Indiana may be estimated in round numbers at \$7,611,337.44, and is, I believe, larger than the School Fund of any other State.

While our school system is far from being what it ought to be, yet it is being gradually and substantially improved. The standard of qualification for teachers has been elevated, and teaching, as a science, is far better understood than formerly. The want of qualified teachers, which has been one of the chief obstacles in the way of the efficiency of our schools, will be greatly diminished in a few years by the Normal School, which was authorized by the last General Assembly, and which I trust will be speedily put into successful operation. The other great evil consists in the fact that the schools are kept for too short a time, and this can only be remedied by increasing, from taxation and other sources that might be made available, the annual revenue for school purposes. I will enter into no argu-

ment before this General Assembly to prove the importance of education, and that our schools should be open to all, and able to furnish an education sufficient for the ordinary business of life; but assuming that all admit this truth, will simply say that the common schools of Indiana can not furnish such an education without they are continued for a longer period in each year.

#### EDUCATION OF COLORED CHILDREN.

In my message delivered to the Legislature at the late extra session, I presented the importance of providing for the education of colored children in language which I beg leave here to repeat.

The first section of article eight of our State Constitution provides as follows :

“Knowledge and learning generally diffused throughout a community, being essential to the preservation of a free Government, it shall be the duty of the General Assembly to encourage, by all suitable means, moral, intellectual, scientific and agricultural improvement; and to provide by law for a general and uniform system of common schools, wherein tuition shall be without charge, and equally open to all.”

The language of this provision is very broad, and would seem, in letter and in spirit, to embrace all the children of the State, without regard to color.

Surely it cannot be denied that, as we have a colored population in our midst, it is our interest, independent of those considerations of natural justice and humanity which plead so strongly to educate and elevate that population.

An ignorant and degraded element is a burden and injury to society, whatever may be its color. It therefore becomes a matter of sound political economy, as well as absolute justice, that whatever colored population we may have, should be educated and enabled to become intelligent, industrious, and useful members of the community.

The laws of Indiana exclude colored children from the common schools, and make no provision whatever for their education. I would therefore recommend that the laws be so amended as to require an enumeration to be made of the *colored* children of the State, and such a portion of the School Fund as may be in proportion to their number, be set apart and applied to their education by the establishment of separate schools, under such suitable provisions

and regulations as may be proper. I would not recommend that white and colored children be placed together in the same schools, believing, as I do, in the present state of public opinion, that to do so would create dissatisfaction and conflict, and impair the usefulness of the schools.

I am informed that a system can be devised by which separate schools for the education of colored children can be successfully maintained in various parts of the State, and believe that justice, humanity and sound policy, require that it should be done.

By the school law of 1865, negroes and mulattoes are not taxed for the support of common schools, but if colored schools should be established this law should be so amended as to subject them to like taxation with white persons for educational purposes.

#### AGRICULTURAL COLLEGE.

By an act of Congress thirty thousand acres of land were donated to each State for each Senator and Representative in Congress for the purpose of erecting and maintaining an Agricultural College. This entitled Indiana to (390,000) three hundred and ninety thousand acres. The act provided that where there were public lands in the State subject to entry at \$1.25 per acre, the quantity to which the State was entitled should be selected from such lands; but if there were no such lands in the State, or not enough, the Secretary of the Interior was to issue to such State land scrip for the requisite number of acres. This scrip cannot be located by the State to which it was issued, but must be sold; but the purchasers of such scrip may locate it upon any of the unappropriated lands of the United States, subject to sale at private entry at \$1.25 or less per acre. There being no public lands in this State for sale at private entry held by the Government at \$1.25 per acre, Indiana received her donation in scrip. The original purpose entertained by Congress of establishing Agricultural Colleges in the several States, to be maintained by substantial and sufficient endowments, was most enlightened and patriotic, but we may well doubt the wisdom of the means by which it was to be accomplished. The most of the States, having no lands within their borders upon which this grant could be located were compelled to receive it in scrip, which they were not at liberty to locate in other States and Territories, but were required to sell. Large quantities of the scrip were put upon the market at the same time, and the price suddenly went down until it could not be

sold for much over one-third of its par value. There has been no time since the State of Indiana received her scrip at which it could have been sold for more than fifty, or at most fifty five cents per acre. At fifty-five cents an acre, it would only realize (\$204,500) two hundred and four thousand five hundred dollars, a sum wholly inadequate to successfully establish and maintain a College upon the broad and comprehensive plan contemplated by Congress. The States became rival venders in the market, and all of them competing directly with the Government, which cannot sell land in the regular way at less than \$1.25 per acre.

The scrip already sold by the several States has, with few exceptions, been purchased in quantities by speculators, some of whom will enter and hold large bodies of land to be made valuable by the settlement and improvement of other lands around them, and others will retail the scrip in small quantities, at a price greatly advanced over what they gave for it, but still underselling the Government. The reason why the States were not allowed to locate the scrip, was because it would create a monopoly, and enable them to hold lands in perpetuity, but no provision was made against permitting the speculators, who purchase the scrip at less than half its value, from doing the same thing. While it was not so intended, yet it has turned out that no better arrangement for speculators could have been devised. If the States had been allowed to locate the scrip, the land, as soon as entered, would have been worth to them \$1.25 per acre, and they might have been required, upon pain of forfeiture to the Government, to sell the same within four or six years, thus avoiding the danger of monopoly and perpetuity, and enabling them to realize at least the par value of the scrip. As the matter has turned out, it would have been much better for the State and the Government, if the Government had donated to each State the same number of dollars, instead of acres. Indiana would thus have received three hundred and ninety thousand dollars, and the Government have retained three hundred and ninety thousand acres of land which could be sold at \$1.25 an acre.

The Board of Trustees of the Agricultural College, created by an act of the Legislature at the regular session of 1865, memorialized Congress at the late session, praying that the law making the grant to the States might be so amended as to allow the States to locate the scrip under such regulations and restrictions as might be deemed proper to prevent monopoly and perpetuity. But Congress took no action on the subject. The memorial is herewith laid before you.

The Board of Trustees have had a number of meetings to consider what disposition should be made of the scrip, and in view of the fact that it could not be sold without a sacrifice of nearly two-thirds of its par value, which would realize a sum so small as to be inadequate to the accomplishment of the grand purpose which Congress had in view in making the donation, unanimously resolved to withhold it from the market entirely, and submit the whole subject for the action of the Legislature. They have made a report embodying the facts, and containing certain recommendations, which I herewith lay before you, and commend to your special consideration.

#### THE THIRTEENTH ARTICLE.

By the decision of the Supreme Court at its late session, the XIIIth Article of the Constitution of the State, which prohibits negroes and mulattoes from coming into the State, and from making contracts and acquiring title to property, was declared null and void, as being an infringement of the Constitution of the United States. In this decision it was held that negroes born in the United States are citizens of the United States, and of the State in which they live, and that the XIIIth Article of our Constitution was therefore in violation of that provision of the Constitution of the United States which declares that "the citizens of each State are entitled to the privileges and immunities of the citizens of the several States." The law made in execution of the XIIIth Article is of course a nullity, but I respectfully recommend that as an act of public decency it be formally repealed and wiped out.

#### NATIONAL DEBT AND THE CURRENCY.

It would be very flattering to our national pride, and would excite the astonishment and admiration of Europe, if we were to pay off our national debt within fifteen or eighteen years; but there are some things more important to us than flattering our vanity or astonishing the people of the Old World.

While I am not in favor of perpetuating the national debt, and do not regard it as a blessing, I am opposed to pressing our people to its sudden payment, just to show what we can do.

If this generation, after having put down the rebellion, shall accomplish the work of restoration, it will have done well, and may

very properly leave at least a part of the national debt to be paid by the next.

As the misconduct of the people of the South caused this debt to be contracted, I am decidedly in favor of requiring them and their children to pay their proportion of it, which, in their present destitute and impoverished condition, they cannot do. At this time they have very little property besides lands, and scarce anything to pay taxes on, or pay taxes with, and such their situation must be for years; and until restoration has been completed, and emigration, capital, industry, commerce and agriculture shall have brought to them wealth and prosperity. Whatever part of this debt is paid in the next five or eight years, must, from the condition of things, be collected from the people of the North, and must to that extent relieve the people of the South from a burden, which ought in justice to fall chiefly upon them.

I am therefore in favor of reducing taxation to a standard which will be sufficient to defray the ordinary expenses of the Government, and maintain perfectly the credit of the Nation by paying punctually the interest on the debt, leaving the payment of the principal to times of more general prosperity, when our commerce upon the seas shall have resumed its sway, and a largely increased population has greatly developed the agricultural and mineral resources of the country, and produced an aggregate of wealth compared with which the national debt will be but a trifling per cent.

While it is desirable to return to specie payments, at as early a period as is consistent with maintaining the business prosperity of the country, it is not a result so important that we should hazard general disaster and bankruptcy.

At this time the financial condition of the country is depressed, trade is languishing, and a widespread fear of panic and disaster prevails among the people. The continued reduction of the currency, followed by a corresponding reduction in all values, to that extent diminishes the capacity of the people to pay their indebtedness contracted at a time when the currency was much more inflated than at present and gold at a much higher premium.

If last year pork was twelve dollars a hundred and this year it is six, it is manifest that the capacity of the farmer to pay is diminished just one half, while the volume of the principal and interest of the public debt, and of his own private indebtedness has not diminished, but remains the same. Cast iron theories of finance which do not yield to the circumstances of the the times, are very apt to be



broken by a crash, and it is the part of wisdom to make the theory, however wise in general, submit to the temporary condition of the people. The unsettled and impoverished condition of the people of the South, the failure of the cotton crop, the successive failure of two wheat crops in the North, render the situation of the country quite peculiar and critical, and makes it unsafe, in my opinion, to push the further reduction of the currency at this time.

Should the General Assembly concur in these views, it would be entirely proper to present them to their Senators and Representatives in Congress.

#### RECONSTRUCTION AND CONSTITUTIONAL AMENDMENT.

The people of the North have not been animated by a spirit of resentment and revenge in their dealings with the South since the conclusion of the rebellion. On the contrary, they have earnestly hoped that the people of the South would kindly and sincerely accept the situation, and co-operate with them in the settlement of our national difficulties upon a permanent basis; and had the Southern people met them in this spirit, adjusted their Constitutions and laws to the new order of things, rendered justice and given equal protection to all their citizens, confiscation, disfranchisement and punishment would scarcely have been demanded. When, upon the surrender of Lee's army, General Grant gave absolution to the Confederate officers and soldiers, upon the sole condition of not again bearing arms against the Republic, the nation acquiesced in his conduct almost without a murmur, and when all the rebel forces laid down their arms, and the war was at an end, the misfortunes of the South, the fallen and prostrate condition of the people inspired in the North feelings amounting almost to compassion and forgiveness. At that time the South declared full submission, asked for lenient terms, but claimed no rights and dictated no conditions. But since then the temper of her people seems to have undergone a radical change. They have passed from submission to defiance, and the mercy which was extended to them has been requited in bloody persecutions upon the Union men and negro population in their midst. Their course has had its natural and inevitable effect upon the public mind of the North, which is rapidly passing from mercy and forgiveness to the stern demands of justice, and the exaction of the penalties for treason. The logic of events against which the arguments of the statesman weigh not, moulds the public mind and sweeps it on rapidly from



conclusion to conclusion. The impossible of yesterday is the possible of to-day, and the radicalism of to-day becomes the conservatism of to-morrow.

The patriotic and loyal members of Congress who voted for the "Winter Davis" bill in 1864, would stand aghast before it as a scheme of reconstruction in 1866. It was then thought the wisest thing to be done, but we can now see, in the light of two years' experience, how fatal it would have been to the nation. It was manifest, from the beginning, that no scheme of reconstruction could be or ought to be accepted by the people of the North, which did not involve the equalizing of representation in Congress and the Electoral College. The people of the North could not consent, honorably to themselves, nor without a disregard to the principles of Republican government, that those lately in rebellion should return to their places in the Government, and retain, in perpetuity, the right to represent four millions of colored people, whom they deprive of all political rights, which would give to them after 1870 at least thirty votes in the Electoral College and in the House of Representatives. Should the Southern States be permitted to return without the rectification of this great wrong, it would constitute a source of constantly increasing dissatisfaction in the North, would be regarded as an intolerable burden, and would dangerously threaten the future peace of the country.

I have received from the Secretary of State of the United States, an official copy of a joint resolution passed by Congress at the late session, two-thirds of each House concurring, proposing to the States an amendment to the Constitution of the United States, which I herewith submit for your consideration.

The first clause of the Amendment establishes the great fact that all persons born in the United States are subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside, and that no State shall abridge the privileges or immunities of citizens of the United States, or deprive any person of life, liberty or property without due process of law, or deny to any person within its jurisdiction the equal protection of the laws.

The second clause establishes equality of representation in the lower House of Congress, and in the Electoral College, by excluding from the basis of representation any race or class of people who are deprived of the right of suffrage, and thus takes away from all the States the right to have representation for the colored people in their midst, unless they first give to them the right of suffrage. It proceeds upon the principle that white people do not have their po-

litical rights enlarged by reason of having in their midst a colored population whom they deprive of all political rights; upon the principle that people who are not good enough to have representation for themselves are not good enough to give it to others; upon the principle that people who are not qualified to vote themselves are not qualified to duplicate the voting power of others.

The third clause declares ineligible to any National or State office any person who, having once taken an official oath to support the Constitution of the United States, afterwards committed perjury by going into the rebellion. This will tend to make treason odious by excluding from office the perjured politicians and political paupers who brought on the war.

The fourth clause declares the validity of the public debt, forever forbids the assumption or payment of the rebel debt, and prohibits the payment of any claim for the loss or emancipation of slaves. The four clauses constitute one amendment, which was submitted to the people of Indiana for their approval or rejection at the late election.

It establishes the great principle of national unity and citizenship, equality of representation, disability for treason, the good faith of the nation to her creditors, and guards the nation in future times against the corruptions of the rebel debt. It is of inestimable value to the country, and can not be safely substituted by mere legislation which is liable to repeal or destruction at the hands of the Supreme Court.

The cardinal principles of reconstruction should be planted in the Constitution, whence they can be uprooted only by the same process by which they were established. No public measure was ever more fully discussed before the people, better understood by them, or received a more distinct and intelligent approval. I will enter into no argument in its behalf before this General Assembly. Every member of it understands it, and is prepared, I doubt not, to give his vote for or against, on the question of ratification. I venture, however, to recommend that you give to it your speedy consideration, and hope that its ratification will soon be published to the world as a declaration of the spirit and purpose of the people of Indiana.

But what if the Southern people reject the amendment? But what if they continue this reign of terror, this flagrant disregard of liberty and life? Do they imagine that the North will recede, or that affairs will be allowed to remain as they are? These things are impossible. A quarter of a million of lives have been lost, billions

of money wasted, the tears of the widow and orphan are flowing, the shrieks of the murdered freedmen are heard, Union men are flying for their lives, and now the blood of the nation is up, and the cry for vengeance is abroad in the land. Let the people of the South flee from the wrath to come. Let them put away the perjured traitors who hurried them into rebellion, and now darken their counsels, and make haste to abandon their sins, and accept the proffered terms.

The Constitutional provision declaring that the United States shall guarantee to each State a republican form of government, was not intended to furnish merely a paper guaranty, but authorized the Government of the United States to interfere in a certain contingency, with the government of a State. The guaranty is to be made by the United States, that is, by the Government of the United States, which is not the President or Congress, but both together, and must, therefore, be a legislative act.

The President could not establish a State Government and accept it finally as loyal and republican in its form, and legal and complete in its structure without assuming that he is the Government of the United States, which would manifestly be absurd.

What the extent of this power is has never been settled by any precedent; and has not been defined by Kent, Story, or any of our writers on Constitutional law. It is a vast undefined power, given to the United States to guard the States against revolution, anarchy or change to monarchical or aristocratic government. If a State government has been destroyed by rebellion, the United States must set up or re-establish a republican form of government. If a State government should be converted into an aristocracy the United States must restore it to a republican form. How, or in what manner this shall be done is not marked out by the Constitution, and must, therefore, as far as we can judge, depend upon the circumstances of each case.

The government is armed with supervisory power to keep the States in their orbits by maintaining within them republican governments, and the measure of power must, therefore, be the extent of the means necessary to accomplish the purpose.

It is a well recognized principle of Constitutional law, that where a duty is enjoined, all the powers necessary to the performance of the duty are included.

Where a certain demand is made by the Constitution the means necessary to produce the result must be inferred, else the demand would be nugatory.

The only measure, therefore, we can give to this power is that it embraces whatever may be truly necessary to guarantee to each State a republican form of government. If a State government falls into anarchy the United States must re-establish it upon a republican basis, and must be held to have the right to employ whatever instrumentalities are necessary for that purpose.

Ordinarily, and when the country is in a normal condition, the subject of suffrage is in the control absolutely of the several States, and has been so treated from the first formation of the Government, and may be regarded clearly as one of the reserved rights of the States. But, if a State government shall fall into anarchy, or be destroyed by rebellion, and it is found clearly and unmistakably, that a loyal new one can not be erected and successfully maintained without conferring upon a race or body of men the right of suffrage, to whom it has been denied by the laws of the State, it would clearly be within the power of Congress to confer it for that purpose, upon the principle that it can employ the means necessary to the performance of a required duty.

Not that Congress could make a Constitution for a State, in which the right of suffrage should be fixed, but that it could call a Convention to form a new Constitution and establish a new government, and prescribe the qualifications of those who should vote for the members of that convention and participate in the organization of the new government.

The power which I claim for Congress is vast and dangerous, and should be exercised with deliberation, and only in case of clear necessity, as it trenches directly upon the general theory and structure of the Government, yet it unquestionably exists.

If, when other remedies have failed, it be the clear and deliberate judgment of Congress that loyal Republican State governments can not be maintained except by conferring the elective franchise upon the negro race in those States, Congress may confer it upon the ground that it is necessary to the performance of a prescribed duty. In this view it is not necessary to regard the rebel States as Territories, as the constitutional provision applies, in express terms, to States.

As a practical question it cannot be supposed that four millions of free colored people can for a great time be kept in a state of political vassalage and denied their voice in the government by which they are controlled, and which they help to support. As a political question, our Republican theory, which asserts that "governments exist

only by the consent of the governed," and that "taxation and representation" should go together, does not admit that suffrage shall be limited by race, caste, or color. As a question of natural right, it is hard to say that suffrage is not a natural right, when upon its exercise may depend the possession and enjoyment of all other acknowledged natural rights. It is hard to say that a man has a right to life, liberty, and the pursuit of happiness, and yet has no natural right to a voice in that government by which these other rights will be protected or denied. But as all other natural rights are subject to restriction and limitation for the general welfare of society, this should be no exception to the rule. The proposition at once to introduce to the ballot-box half a million of men, who but yesterday were slaves, the great mass of whom are profoundly ignorant, and all impressed with that character which slavery impresses upon its victims, is repugnant to the feelings of a large part of our people, and would only be justified by necessity resulting from inability to maintain loyal republican State governments without them.

But the necessity for loyal Republican State Governments that shall protect men of all races, classes and opinions, and shall render allegiance and support to the Government of the United States, must override every other consideration of prejudice or policy.

If it be found necessary not to accept the present State Governments in the South, and to exercise the great power which has hitherto lain dormant in the Constitution, the people of the South will have the consolation of knowing that it is their own act and deed. By the unrestrained slaughters of Memphis and New Orleans; by the unpunished murder of loyal men; by the persecution and exile of those who adhered to the Union; by the contemptuous rejection of the generous terms that were offered, they are fast proving that the extraordinary powers of the Constitution must be summoned to cure the evils under which the land is laboring.

Let them take warning, and speedily reform their ways before they have driven the Nation to a point where theory, passion and prejudice must all give way to the stern necessity of establishing new governments that will protect all men in equal enjoyment of life, liberty and property.

But come what will, the Nation will live, and its unity and power be established.

Throughout the late conflict, we discerned the hand of God leading the Nation through blood, to a purer morality and clearer perception of the rights of men, and cannot doubt that in His own time

and by His chosen means, He will conduct it safely through this sea of troubles to a fraternal peace, unstained by oppression, unbroken by rebellion, and crowned with the choicest blessings ever vouchsafed to any people.

OLIVER P. MORTON.

After which the Senate retired to their chamber.

Mr. Crain moved that when the House adjourns, it stands adjourned till Monday next at 2 o'clock P. M.

Which was agreed to.

On motion by Mr. Shuey, the House adjourned.

MONDAY AFTERNOON, 2 O'CLOCK, }  
January 14, 1867. }

The House met, Speaker in the chair.

The journals of January 10, and January 11, were read and approved.

The Speaker laid before the House the following communication from the Indianapolis Post, Office :

POST OFFICE, INDIANAPOLIS, Jan. 11, 1867.

HON. D. C. BRANHAM,

*Speaker of the House of Representatives :*

SIR:—Already I have observed that members of the Legislature are marking *papers* sent to their constituents with their *names* or initials. Will you please make it known to all members, that any writing upon papers, or printed matter *subjects* the package to letter postage. I shall be pleased to confer with your clerk, or any one else, for the purpose of arranging the best mode of delivering mail matter promptly to members, and to secure the speediest dispatch of their mails from this city.

Respectfully yours,

T. C. PHILIPS,  
*Special Agt. P. O. Dept.*

Which, on motion, was referred to the Special Committee on the Employees of the House.

Mr. Shuey, from the Special Committee on Stationery, made the following report :

MR. SPEAKER :

Your Committee on Stationery, &c., respectfully report that they have had the same under consideration, and as the result of their deliberations, they submit and recommend the adoption of the following resolution :

*Resolved*, That the Doorkeeper be requested to contract for, and deliver to each member; and each elective officer of the House, three copies each of the following papers, to-wit: Daily Journal, Daily Herald, and Daily Gazette—two copies each to be wrapped and stamped, and one open; also, two copies of each of the Indianapolis Weely German papers, wrapped and stamped.

That the Librarian be requested to furnish to each member of the House, a copy of Gavin & Hord's Statutes, (provided the same can be procured at lowest possible prices,) and one copy of Cushing's Smaller Manual, and one copy of Cushing's Larger Manual to the Speaker.

That the Chairman of the Committee of Ways and Means, and Judiciary and Claims, be each permitted to draw from the State Librarian, twenty dollars worth of Stationery for the use of their committees, and that the Chairman of each of the standing committees be authorized to draw ten dollars worth of stationery for the use of his committee.

And that each member of the House be authorized to draw from the State Librarian fifty dollars worth of stationery and postage stamps, *and no more*.

And that the elective officers of the House are authorized to draw from the Librarian such stationery in amount and kind, as may be necessary in the discharge of their duties; and that the Librarian be requested to report to the House at least three days before the close of the session, the amount of stationery and stamps received by each officer and member.

Mr. Wright moved to amend, by striking out the words "fifty dollars," and inserting twenty dollars.

Messrs. Miller and Baker demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Bird, Black, Bobo, Carter, Corey, Crain, Crowe, Douglass, Edmonson, Ervin, Fuller, Gordon Greene, Honneus, Hostetter, Hughes, Hungate, Inman, Kiser, Lopp, Martin, McFadin, Miller, Newcomb, Sabin, Shields, Shook, Shull, Skidmore, Spencer, Stackhouse, Stewart, Tebbs, Van Valkenburgh, Vawter, Wason, Watson, White, Wolfe, Wolfer, Wright, and Mr. Speaker—42.



Those who voted in the negative were,

Messrs. Barritt, Belford, Bischof, Blanch, Brucker, Campbell, Chambers, Daggy, Danaldson, Dunn, Evans, Ferris, Foulke, Funk, Geisendorff, Griggs, Hartman, Hamilton, Hays, Higgins, Hopkins, Hudson, Litson, Mason, Matthis, McCarthy, McClasky, McLean, McMurray, Moore, Morrison, Montgomery, O'Neil, North, Peelle, Prather, Ratliff, Ross, Scammahorn, Shoaff, Shuey, Smith of Llangrango, Stafford, Thacher, Thrasher, Thomas, Williams, Wilson, Wolflin, and Woods—50.

So the motion did not prevail.

Mr. Newcomb moved to amend, by striking out the words "fifty dollars," and inserting twenty-five dollars.

Mr. White moved to amend, by making the amount forty dollars.

Which was agreed to.

Mr. Newcomb offered the following amendment:

Moved to strike out so much of the report as provides for the purchase of one copy of Gavin & Hord's Statutes for each member and officer, and provide that twenty copies thereof shall be provided by the Librarian for the use of the House, and that they be furnished to the standing committees, except that five copies shall be retained by the Clerk for the use of the House while in session.

Mr. Belford moved to lay the amendment on the table.

Which was agreed to.

Mr. McFadin offered the following amendment:

*Resolved*, That the report of the Committee on Stationery and Stamps be amended to read as follows:

"That one copy of Gavin & Hord's Statutes be furnished for each Member of the House, and that they be procured at the lowest possible price."

Which was agreed to.

Mr. Hartman offered the following amendment:

Amend by adding after the words "German weekly papers," "and two copies of the Daily Telegraph, folded and stamped."

Which was agreed to.

The question being on the first part of the report from the Committee on Stationery,

It was agreed to.

Mr. Newcomb moved to reconsider the vote on adopting lowest instead of wholesale price.

Which was not agreed to.

That part of the report in reference to Gavin & Hord's Statutes was then concurred in.

Mr. Newcomb moved to amend by striking out the words "forty dollars," and inserting the words "thirty dollars" for stationery and stamps.

Mr. Pelle moved to lay the motion to amend on the table.

Which motion was agreed to.

Mr. Hughes offered the following amendment:

Strike out all relating to the allowance to each Member, and, in place thereof, insert the following: "That each Member may draw stationery and postage stamps, not exceeding in value forty dollars, during the regular session; provided, that in any case where the full amount of forty dollars is not drawn in stationery and postage stamps, there shall be no commutation in money."

Mr. Shuey moved to fill the blank with the words "forty dollars."

Which was agreed to.

Mr. McFadin offered the following amendment:

"That each Member can take his allowance of stationery and stamps either in money or stationery as he may elect, not to exceed the allowance to each Member."

Mr. Litson moved to lay the amendment offered by Mr. McFadin on the table.

Which was agreed to.

The question being on the amendment offered by Mr. Hughes, It was agreed to.

The question being on the last part of the report of the Committee on Stationery,

It was agreed to.

The report was then concurred in.

Mr. Crain obtained leave and introduced

House bill No. 13. A bill to create the Seventeenth Judicial Circuit.

Was read a first time, and referred to the Committee on the Organization of Courts of Justice.

Mr. Prather obtained leave and introduced

House bill No. 14. A bill appointing commissioners to adjust the claims of citizens of the State of Indiana for damages sustained by reason of the raid of the rebel forces under command of the rebel General John Morgan, in July, 1863, and occasioned by any other or future raids, prescribing some of their powers and duties, providing for the payment of the claims adjusted by said commissioners, and matters properly connected therewith.

Was read a first time, and referred to the Committee on Claims.

Mr. McLean obtained leave and introduced

House bill No. 15. A bill to carry out the provisions of an act entitled "An act to create a State Normal School, and declaring an emergency," approved December 20, 1865, and to appropriate one hundred thousand dollars for the erection and furnishing the State Normal School.

Which was read, and referred to the Committee on Education.

Mr. Thacher obtained leave and introduced

House bill No. 16. A bill to authorize Prosecuting Attorneys

and District Prosecutors to administer oaths and affirmations, and to certify affidavits.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Ferris obtained leave and introduced

House bill No. 17. A bill in relation to conveyances of land by wives of persons of unsound mind.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Spencer offered the following resolution :

*Resolved*, That the Committee on Railroads be instructed to inquire into the power of this Legislature to control the railroad corporations of the State, by direct legislation, on the subject of charges for passengers and freight; to secure the private citizens of the State from inordinate and extortionate demands, and to assert the sovereignty of the people of the State over all persons or corporations that are injurious to the productive or commercial interests thereof; and that such committee have power to compel testimony under oath; and said committee is instructed to report at the earliest possible moment by bill or otherwise.

Mr. Hughes offered the following as a substitute :

*Resolved*, That a select committee of three, consisting of Mr. Belford, the Speaker of the House and Mr. Miller, is hereby appointed to inquire into, and report to the House at the earliest practicable period, the number of railroad corporations in this State organized and operated under special charters, the times when such charters expire, the powers reserved by the State to modify and alter the same, and to report a bill regulating the prices of local freights, and the rates of passenger fares on the several railroad routes, so far as the same can be done.

Which was agreed to

Mr. Higgins obtained leave and introduced

House bill No. 18. A bill to amend section 15, and to repeal sections 29 and 30, of an act regulating general elections and pre-

scribing the duties of the officers in relation thereto, approved June 7, 1852, and prescribing further duties of the officers of elections.

Which was read a first time, and passed to a second reading.

Mr. Woods obtained leave and introduced

House bill No. 19. A bill to regulate and make uniform the prices charged by railroad companies for transporting goods, merchandize and material to and from stations on railroads in this State.

Which was read a first time, and passed to a second reading.

Mr. Shoaff obtained leave and introduced

House bill No. 20. A bill entitled "an act to provide by law for draining and ditching low, wet, and overflowed lands in the State of Indiana.

Which was read a first time, and referred to the Committee on Swamp Lands.

Mr. Newcomb offered the following resolution :

*Resolved*, That eight thousand copies of the Governor's Message be printed—two thousand of which shall be in the German language—and that one thousand copies be delivered to the Governor for his use, and the residue to the members of this House.

Mr. Thacher moved to amend by striking out eight thousand, and inserting five thousand.

Which was not agreed to.

Mr. Shuey moved to insert ten thousand.

Which was not agreed to.

Mr. Hopkins presented the following report from the Board of Trustees of the State Normal School :

The first Report of the Board of Trustees of the Indiana State Normal School, to the General Assembly of the State of Indiana, pursuant to the requirements of the 13th section of an act to create a State Normal School, approved December 20, 1865.

The Board of Trustees of said Normal School beg leave to report the financial and scholastic condition of said school, and to make such suggestions as in their judgment will tend to the improvement of the same, as required by the act, the Trustees met on the second Tuesday in January, 1866, at the office of the Superintendent of Public Instruction and organized and opened books, and advertised extensively for proposals for donations of grounds and buildings, or funds, for the procuring of grounds and the erection of buildings for said Normal School.

The Board met again at the same place on the 15th of May, 1866, pursuant to advertisement, to open proposals and locate the school. The only proposal received was from the citizens of Terre Haute, who offered a donation of fifty thousand dollars in cash, and a block of ground about three hundred feet square in the heart of the city, of the value of twenty thousand dollars, as a site on which to erect said Normal School building. The Board accepted this proposal and in consideration of the donation in cash and a deed to the ground, located said State Normal School in the city of Terre Haute, and on the said block of ground.

The Trustees then appointed one of their number—Barnabas Hobbs—an instructor of much experience, to visit other Normal Schools in the United States, to examine their buildings, the constitution of their schools, and method of instruction, and to report to the Board the result of his examinations—including the general plan of a building for the Indiana State Normal School.

At a subsequent meeting of the Board, the gentleman so appointed, made his report, embracing, as the result of his examination of various school buildings, with the constitutions of schools and methods of instruction, east and west, a general plan of a Normal School Building adapted to the requirements of the State of Indiana. This plan was placed in the hands of a competent architect for making out details and estimates.

It was at once seen that the donation of \$50,000 at the command of the Board, would be utterly inadequate to build and furnish the structure on the plan proposed, even in the plainest and most inexpensive style. Every effort possible was made to so modify the plan as to bring its cost within the means, at the disposal of the Board, but without rejecting accommodations and space deemed essential to the efficient working of the school in all its branches—this was found impossible, and after much deliberation

and many modifications, designed to reduce the cost of the plan so recommended, was adopted by the Board.

The proposed structure is to be of brick, with a slight amount of stone finishing. The roof of slate. The wood work of Indiana poplar and oak, well seasoned.

The aim of the Board is commodiousness, strength and durability, with a moderate amount of architectural embellishment.

The drafts of the architect are ready for submission to your inspection, or that of a committee of reference. On adopting the plan, the Board advertised widely for sealed proposals for construction, but on coming together to open them, they were all deemed extravagantly high, and were rejected. The Board again advertised for proposals for furnishing the lumber required in construction, which resulted in contracts for about half the amount required, which will be delivered within the next two or three months.

It is believed from the best evidence before us, that the Normal School building constructed according to the plan adopted, very moderately finished, and furnished complete, will cost but little if any less than one hundred and fifty thousand dollars (\$150,000.)

It is proposed by the Board, without delay, to invite proposals and make contracts for the construction of the walls, and roofing of the house as early as practicable, the coming spring and summer. It will not be possible to proceed much farther than this with the \$50,000 now at the command of the Board. The Board would most respectfully ask the Legislature so to second a liberality of the citizens of Terre Haute, as to enable the Trustees to construct and furnish this State Institute within a time, and in a manner comporting with the interests and dignity of the State. Submitted herewith is the report of the Treasurer of the Board, W. R. McKean, of Terre Haute. There is no "scholastic conditions of the school" to report, and cannot be until the building for their accommodation is finished and furnished.

Respectfully submitted,

JOHN INGLE, Jr., *President.*

EVANSVILLE, IND., January 5, 1867.

## NORMAL SCHOOL BOARD REPORT.

W. R. McKEAN, *Treasurer.**In account with Trustees State Normal School.*

## DEBIT.

To cash received from the city of Terre Haute.....	\$25,000 00
To cash received from sale of old building.....	181 76
	<hr/>
	\$25,181 76

## CREDIT.

By amount paid for printing and advertising..	\$31 00
By amount paid for drawing plans.....	60 00
By amount paid for removing old building...	300 00
By amount paid Architect for services.....	500 00
	<hr/>
	\$891 00
By balance in hands of Treasurer.....	<hr/>
	\$24,290 76
January 7, 1867.	

HON. JNO. INGLE:

DEAR SIR:—Above please find statement of account of the Treasurer, showing the amount of receipts and disbursements to this date. The other \$25,000 due from the city, has not been paid into the Treasury, but will be as soon as required by the Board.

Yours truly, W. R. McKEAN, *Treasurer.*

I hope you will get this to-day.

TERRE HAUTE, Jan. 7, 1867.

Which, on motion, was referred to the Committee on Education.

Mr. Chambers obtained leave, and introduced

House bill No. 21. A bill to amend the sixteenth section of "An act regulating the fees of officers, and repealing former acts in relation thereto.

Which was read a first time, and referred to Committee on the Judiciary.

Mr. Hughes presented the official copy of the Constitutional Amendment.

Which was referred to the Special Committee heretofore appointed on that subject, without reading.



Mr. Bobo obtained leave, and introduced

House bill No. 22. A bill districting the State of Indiana for Senatorial and Representative purposes.

Which was referred to the Special Committee on Apportionment.

Mr. Morrison obtained leave, and introduced

House bill No. 23: A bill to enable the owners of wet lands to drain and reclaim them, when the same can be done without affecting the lands of others, and repealing all laws inconsistent therewith.

Which was read a first time, and referred to the Committee on Swamp Lands.

Mr. Stafford obtained leave, and introduced

House bill No. 24. A bill to amend the 9th section of an act entitled, "An act providing for the election of Clerks of the Circuit Courts, and their duties," approved June 7, 1852, to require the Clerk to deliver over all the books, papers, records and moneys in his hands to his successor.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Shuey moved to take up the Message from the Senate.

Which was agreed to.

Message from the Senate, by Mr. Wilson, their Secretary:

MR. SPEAKER:

I am directed by the President of the Senate, to inform the House that the Senate has passed the following concurrent resolution, in which the concurrence of the House is respectfully requested:

*Resolved*, (the House of Representatives concurring,) That a joint committee be appointed, consisting of five Senators, to be selected by the President of the Senate, and the same number from the House of Representatives, to be selected by the Speaker, on the same subject, of a House of Refuge for juvenile offenders,

to whom be referred all documents, petitions and memorials on that subject, and which committee shall be authorized to report by bill or otherwise.

Mr. Shuey moved to concur in the foregoing resolution.

Which was agreed to.

Mr. Miller moved that the following message from the Senate be taken up.

Which was agreed to.

Message from the Senate, by Mr. Wilson, their Secretary :

MR. SPEAKER:

I am directed by the President of the Senate, to inform the House that the Senate has passed the following concurrent resolution, in which the concurrence of the House is respectfully requested :

*Resolved, by the Senate,* (the House of Representatives concurring therein,) That a joint committee, consisting of three members of the Senate and three of the House of Representatives, be appointed to inquire into the propriety of ratifying, by legislative enactment, the appointment of John A. Wilstach, as Commissioner for the encouragement of emigration to the State of Indiana, made on the 18th of January, 1866, by Acting Governor Baker, and of providing an apportionment for the payment of the expenses incident to the duties of said appointment; said committee to report by bill or otherwise.

Mr. Miller moved to concur in the foregoing resolution, after inserting the word appropriation, instead of apportionment.

Which was agreed to.

Mr. Greene moved that the House do now adjourn.

Which was not agreed to.

Mr. McLean moved to take up the following message from the Senate.

Which was agreed to.

Message from the Senate by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the President of the Senate, to inform the House, that the Senate has passed the following concurrent resolution, in which the concurrence of the House is respectfully requested:

*Resolved*, That a Special Joint Committee of nine members, to consist of four Senators, to be appointed by the President of the Senate, and five Representatives to be appointed by the Speaker of the House, be appointed to take into consideration the subjects of the National debt and the National currency, and that they report their opinions relative to the policy of the National Government in relation to these matters.

Which was concurred in.

Mr. Miller obtained leave and introduced

House bill No. 25 A bill to provide for the registration of voters..

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Newcomb moved to reconsider the vote heretofore taken on ordering the printing of eight thousand copies of the Governor's Message.

Which was agreed to.

Mr. Newcomb moved that the resolution be laid upon the table..

Which was agreed to.

Mr. Newcomb offered the following resolution:

A concurrent resolution for printing the Governor's Message.

*Be it resolved*, (the Senate concurring herein) that there be printed in pamphlet form; ten thousand copies of the Governor's Message, three thousand whereof shall be printed in the German language; that fifteen hundred copies of said message shall be delivered to the Governor for his use, and that one third of the remainder shall be delivered to the Doorkeeper of the Senate for

the use of that body, and that the residue be delivered to the Door-keeper of the House for the use of the members thereof.

Which was agreed to.

Mr. Prather offered the following resolution :

*Resolved*, That the Librarian be directed to place on the desk of each member of this House, one half globe glass inkstand for the use of the members of this House.

Mr. McFadin moved to amend by including mucilage.

Which was not agreed to.

The resolution was then agreed to.

On motion of Mr. Greene, the House adjourned till 9 o'clock to-morrow morning.

TUESDAY MORNING, 9 O'CLOCK, }  
January 15, 1867. }

House met.

The journal of yesterday was read and approved.

The Speaker laid before the House the following communication from John La Rue :

*To the Hon. the Members of the House of Representatives of the State of Indiana :*

Joseph Cooper, Hiram Shaw and J. D. Shaw having heretofore offered donations, to be paid upon the location of the Agricultural College at the Battle Ground, in Tippecanoe county, Indiana, which donations have not been accepted. Now, as attorney for said Joseph Cooper, Hiram Shaw, in his own right, and as guardian of J. K. Shaw, sole heir of J. D. Shaw, deceased, I withdraw said offer of donations.

JOHN M. LA RUE,  
*Attorney for Cooper and Shaw.*

The Speaker laid before the House the following communication from John N. Evans :

WASHINGTON, Ind., Jan. 5, 1867.

HON. NELSON TRUSLER :

*Dear Sir*—I wish to notify you that I now abandon and withdraw the contest of the election of John H. O'Neil, to the Legislature, from Daviess county, Indiana. You will therefore not file the papers before the House at all. You will please send them to me.

Respectfully, Yours,

JOHN N. EVANS.

On motion, the House directed that the papers referred to in the foregoing communication be so returned.

The Speaker appointed the following Standing Committees:

ON ELECTIONS.

Messrs. Shuey, Moore, Smith of Wabash, Barrett, Hudson, Williams, and Gordon.

ON WAYS AND MEANS.

Messrs. Newcomb, Miller, Hopkins, Thather, Wright, Morrison, and Higgins.

ON JUDICIARY.

Messrs. Hughes, Daggg, Smith of Lagrange, Ross, Griggs, McFadin, and McLean.

ON ORGANIZATION OF COURTS OF JUSTICE.

Messrs. Peelle, More, O'Neil, Campbell, Montgomery, Dunn, and Hays.

ON BANKS.

Messrs. Hopkins, Geisendorff, Greene, Newland, Higgins, Crane, and Long of Kosciusko.

ON EDUCATION.

Messrs. McLean, Bischof, Smith of Lagrange, Corey, Stackhouse, Ratliff, and Wason.

ON STATE PRISON NORTH.

Messrs. Higgins, Wright, Bobo, Spencer, Shoaff, Evans, and Woods.

ON STATE PRISON SOUTH.

Messrs. Brucker, Wolflin, Wolfe, Thrasher, Honneus, Fuller, and Dunn.

## ON SWAMP LANDS.

Messrs. Woods, Wolfer, Belford, Van Valkenburgh, Wason, Kizer, and Morrison.

## ON MILITARY AFFAIRS.

Messrs. Litson, Blanch, Hays, Prather, Greene, McClasky, and Crowe.

## ON CLAIMS.

Messrs. Wright, Blanch, Dunn, Lopp, Stafford, Long of Jackson, and Ferris.

## ON TRUST FUNDS.

Messrs. Funk, Thomas, Hungate, Woods, Inman, Sabin, and Wolfe.

## ON FEES AND SALARIES.

Messrs. Sabin, Shook, Martin, Vawter, White, Stewart, and Shanks.

## ON SINKING FUND.

Messrs. Miller, Hopkins, Newcomb, Matthis, Foulke, Edmonson, and Ratliff.

## ON RIGHTS AND PRIVILEGES.

Messrs., Scammahorn, Chambers, Martin, Bird, McClasky, Black, and White.

## ON RAIL ROADS.

Messrs. Crain, Hughes, Hopkins, Hartman, Honneus, Belford, and Shull.

## ON MANUFACTURES AND COMMERCE.

Messrs. Geisendorff, Skidmore, Shanks, Thomas, Carter, Watson, and Vawter.

## ON PUBLIC PRINTING.

Messrs. Rosser, Bischof, Fuller, Shuey, Long of Jackson, Hostetter and Wilson.

## ON ROADS.

Messrs. Thrasher, Skidmore, Wolflin, Williams, Douglass, Ferris, and Inman.

## ON COUNTY AND TOWNSHIP BUSINESS.

Messrs. Mason, North, Shoaff, Rosser, Shields, Shook and Tebbs.

## ON AGRICULTURE.

Messrs. Danaldson, Wason, Martin, Shanks, North, Shull and Honneus.

## ON SCIENTIFIC AND BENEVOLENT INSTITUTIONS.

Messrs. Stewart, Griggs, Moore, Baker, Funk, Bird, and Hamilton.

## ON TEMPERANCE.

Messrs. Daggy, Foulke, Prather, McFadin, Sabin, Thacher, and Wolfer.

## ON MILEAGE AND ACCOUNTS.

Messrs. Hartman, Peelle, Stackhouse, Spencer, Scammahorn, Green, and Danaldson.

## ON CORPORATIONS.

Messrs. Chambers, Brucker, Barrett, Bobo, Carter, Crain, and Watson.

## ON CANALS.

Messrs. Smith of Wabash, Stafford, Evans, Douglass, Rosser, Skidmore, and Hungate.



## ON PUBLIC EXPENDITURES.

Messrs. Campbell, Sabin, McMurray, Hartman, Newland, Tebbs, and Greer.

## ON FEDERAL RELATIONS.

Messrs. Foulke, Belford, Gordon, Van Valkenburgh, McLean, O'Neil, and Ross.

## ON AFFAIRS OF CITY OF INDIANAPOLIS.

Messrs. Hamilton, North, Corey, Ervin, Baker, Kiser, and Thomas.

## ON ENGROSSED BILLS.

Messrs. Chambers, Scammahorn, Edmonson, Smith of La-grange, Crowe, Williams, and Evans.

## JOINT COMMITTEE ON ENROLLED BILLS.

Messrs. McCarthy, Dunn, and Edmonson.

## JOINT COMMITTEE ON PUBLIC BUILDINGS.

Messrs. McMurray, Litson, and Matthis.

## JOINT COMMITTEE ON STATE LIBRARY.

Messrs. McCarthy, Peelle, and Black.

## JOINT COMMITTEE ON CANAL FUND.

Messrs. Belford, Wilson, and Montgomery.

Mr. Shuey offered the following resolution :

*Resolved*, That three hundred copies of the lists of the standing committees and order of business be printed, and that the Governor and Secretary of State be respectfully requested to certify that the same is necessary and usual in the proper transaction of the business of the House.

Which was agreed to.

Mr. Fuller presented a memorial with accompanying documents, in relation to pay and pension of Dr. J. K. Tilman.

Which, on motion, was referred to Committee on Claims.

Mr. Prather presented a petition, signed by Patrick Duffey and others, asking that a law be passed, remunerating those who suffered pecuniary loss in consequence of the Morgan raid.

Which was referred to Committee on Claims.

Mr. Crain, from the Committee on Joint Resolutions, made the following report:

MR. SPEAKER:

The committee to whom was referred Joint Resolution No. 2, instructing our Senators, and requesting our Representatives in Congress to use their influence to have the interest bearing debt of the United States first paid, have had the same under consideration, and direct me to report said resolution back to the House, and recommend the passage of the same.

Which, on motion, was laid upon the table.

Mr. Newcomb obtained leave, and introduced

Joint Resolution No. 4. A Joint Resolution for suspending the sale of the Sinking Fund building in the city of Indianapolis, and for the appointment of a committee to examine the same, and report upon the propriety of its purchase by the State.

Which was read a first time.

Mr. Newcomb moved that it be deemed expedient to suspend the constitutional rule requiring bills to be read on three several days, and that said bill be read a second and third time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Belford, Bischof, Black, Blanch, Bobo, Brucker, Campbell, Crain, Daggy, Danaldson, Douglass, Dunn, Ervin, Evans, Ferris, Foulke, Funk, Fuller, Geisendorff, Gordon, Greene, Greer,

Hartman, Hamilton, Higgins, Hopkins, Hostetter, Hudson, Litson, Long of Jackson, Long of Kosciusko, Lopp, Martin, Mason, Matthis, McCarthy, McClasky, McLean, McMurray, Miller, Moore, Morrison, Montgomery, Newcomb, O'Neil, North, Peelle, Prather, Ratliff, Ross, Rosser, Sabin, Scammahorn, Shanks, Shoaff, Shull, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stackhouse, Stafford, Stewart, Tebbs, Thacher, Thrasher, Thomas, Van Valkenburgh, Vawter, Wason, Watson, Williams, Wilson, White, Wolfer, Wolflin, Woods, Wright, and Mr. Speaker—79.

Those who voted in the negative were,

Messrs. Baker, Barritt, Carter, Crowe, Edmonson, Hays, Honneus, Hungate, Inman, Kiser, McFadin, and Wolfe—12.

So it was deemed expedient to suspend the constitutional rule, and Joint Resolution No. 4 was read a second time.

Mr. Newcomb moved to amend, by striking out sixty and insert thirty days.

Which was agreed to.

Joint Resolution No. 4. A Joint resolution for suspending the sale of the Sinking Fund building in the city of Indianapolis, and for the appointment of a committee to examine the same, and report upon the propriety of its purchase by the State.

Was read a third time, and the question being, shall Joint Resolution No. 4 pass?

Those who voted in the affirmative were,

Messrs. Baker, Bird, Bischof, Black, Blanch, Bobo, Brucker, Campbell, Carter, Chambers, Corey, Crain, Crowe, Daggy, Randallson, Dunn, Edmonson, Ervin, Evans, Ferris, Foulke, Funk, Fuller, Geisendorff, Gordon, Greer, Hartman, Hamilton, Higgins, Hopkins, Honneus, Hostetter, Hudson, Hungate, Inman, Kiser, Litson, Long of Jackson, Long of Kosciusko, Lopp, Martin, Mason, Matthis, McCarthy, McClasky, McLean, McMurray, Miller, Moore, Morrison, Montgomery, Newcomb, O'Neil, North, Peelle, Prather, Ratliff, Ross, Rosser, Sabin, Scammahorn, Shanks, Shields, Shook,

Shoaff, Shull, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stackhouse, Stafford, Stewart, Tebbs, Thacher, Thrasher, Thomas, Van Valkenburgh, Vawter, Wason, Watson, Williams, Wilson, White, Wolfe, Wolfer, Wolflin, Woods, Wright, and Mr. Speaker—90.

Mr. McFadin, voting in the negative.

The question being, shall the title as read, stand as the title of said Joint Resolution.

It was so agreed to.

So the Joint Resolution No. 4, passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Van Valkenburgh offered the following resolution :

*Resolved*, That the Clerk of the House of Representatives be directed to furnish to the reporters of the various newspapers represented in this House, so much stationery as may be necessary for their use in reporting the proceedings of this House, keeping an account thereof and reporting the same to the House at the close of its session.

Mr. Belford moved that the resolution be laid on the table.

Which was agreed to.

Mr. Sabin offered the following resolution :

*Resolved*, That the Committee on the Judiciary be instructed to inquire what further legislation, if any, is necessary to secure the just and equitable assessment and taxation of property in this State as is contemplated by the Constitution of the State of Indiana, and report by bill or otherwise.

Which was agreed to.

Mr. Higgins obtained leave and introduced

House bill No. 26. A bill to repeal an act entitled an act to enforce the 13th article of the Constitution, approved June 18th 1862.

Read a first time and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Mr. Shuey obtained leave and introduced

House bill No. 27. A bill to authorize incorporated towns to prepare, execute and sell bonds, to provide means to erect and complete unfinished school buildings, and to pay debts contracted for the erection of such school buildings, and to authorize the levy and collection of an additional special school tax, to pay the interest and principal of such bonds.

Was read a first time and referred to Committee on Corporations.

Mr. Corey offered the following resolution:

WHEREAS the legal voters of the District of Columbia did on the ——— day ——— 1865, by an almost unanimous vote, declare their unwillingness to have the right of suffrage conferred upon the colored persons within their District and

WHEREAS, The Congress of the United States did on the ——— day of January 1867, over and in defiance of the Presidential veto and in opposition to the will of the people so expressed, confer suffrage upon said persons; therefore,

*Be it Resolved*, That as Representatives of a people we would repel the idea of conferring suffrage upon the same class of persons within the State of Indiana, we do emphatically condemn and disapprove of said action.

Mr. Higgins moved that the resolution be referred to the Committee on Federal Relations.

Which was agreed to.

Mr. Peele obtained leave and introduced

House bill No. 28. A bill to divide the State into Congressional Districts and to repeal all laws in conflict therewith.

Which was read a first time and referred to a select committee of eleven.

Mr. Barritt obtained leave and introduced

House bill No. 29. A bill for the relief of Walter G. Prather, of Bartholomew county, Indiana.

Which was read a first time, and referred to the Committee on Claims.

Mr. Sabin obtained leave and introduced

House bill No. 30. A bill to amend an act entitled "An act regulating general elections, and prescribing the duties of officers in relation thereto."

Which was read a first time, and referred to the Committee on Elections.

Mr. Smith, of Lagrange, introduced

Joint Resolution No. 5. A Joint Resolution proposing an amendment to article eight of the Constitution, so as to enable townships to levy taxes for the support of common schools.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Baker obtained leave and introduced

House bill No. 31. A bill dividing the State of Indiana into districts for Congressional representation.

Which was read a first time, and referred to the special committee on Congressional apportionment.

Mr. Prather obtained leave and introduced

House bill No. 32. A bill to divide the State into Congressional districts.

Which was read a first time, and referred to the special committee on Congressional apportionment.

Mr. Stewart obtained leave and introduced

House bill No. 33. A bill to divide the State into Congressional districts, and to fix the time when elections for Congressmen shall be held therein.

Which was referred to special committee on Congressional apportionment, without reading.

Mr. McFadin obtained leave and introduced

House bill No. 34. A bill to amend an act entitled an act to amend the fourth section of an act entitled "An act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, approved February 26, 1857, which latter act was approved March 9, 1861."

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Woods obtained leave and introduced

House bill No. 35. A bill to ascertain, by proper proofs, the citizens who shall be entitled to the right of suffrage.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Montgomery obtained leave and introduced

House bill No. 36. A bill amending sections 1, 3, 4, 5, 8, 11, and 17, and repealing section 18, of an act entitled "An act to allow County Commissioners to organize turnpike companies when three-fifths of the persons representing the real estate within the prescribed limits petition for the same, and to levy a tax for its construction, and to provide for the same to be free," approved March 6, 1865.

Which was read a first time, and referred to the Committee on Roads.

Mr. Peelle offered the following resolution :

*Resolved*, That a committee of three be appointed to investigate the business done by the State Printer for the State, under existing laws; to examine into all communications and transactions had by him, or by any person connected with the State Printer's establishment, with any of the members or officers of either house of the General Assembly, touching the passage or phraseology of laws affecting the State Printer; to inquire into the kinds of work done by the State Printer for the State, and the amount received from the State for each kind; to ascertain what legislation may be necessary to protect the interests of the State in the matter of State printing, in all its branches; said committee having power

to send for persons and papers, and being instructed to report to this House at as early a day as practicable.

Which was agreed to.

Mr. Prather offered the following resolution:

*Resolved*, That the Secretary of State furnish for this House a complete copy of each and all the contracts that exist between the State of Indiana and the parties to whom the State sold her interest in and to the Madison and Indianapolis Railroad; and, also, an abstract of all subsequent sales and transfers made by parties of said railroad since the State parted with her interest to the same.

Which was agreed to.

Mr. White obtained leave and introduced

House bill No. 37. A bill declaring bribery felony, and to compel the attendance and testimony of witnesses thereto.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Rosser offered the following resolution:

*Resolved*, That the Committee of Ways and Means be directed to inquire into the expediency of enacting a law requiring all persons who shall plat additions to any city or town in this State, to have the lands embraced in such addition, transferred for taxation, by the Auditor of the county in which they are situated, on the duplicate as lots, before such plats are recorded, and allowing the said Auditor a fee of ten cents per lot for such transfer, and requiring the proper assessor to value such lots, for taxable purposes, at the usual time of assessing personal property, in the year next succeeding the recording of such plat, and that the Committee be directed to report, at an early day, by bill or otherwise.

Which was agreed to.

Mr. Hartman obtained leave and introduced

House bill No. 38. A bill to amend the first section of an act entitled "An act to change the time of holding the Circuit Courts in the Tenth Judicial Circuit, and to extend the length of the term



of said court in Allen county, and providing additional compensation to the Judge thereof," which became a law, under the Constitution, March 7, 1857.

Read a first time, and referred to select committee of one from each county named in this bill.

Mr. Woods moved to change the reference on Hosue bill No. 12, to special committee composed of one from each of the counties affected by said bill.

Mr. Morrison obtained leave and introduced

House bill No. 39. A bill to legalize and declare valid and effectual all the orders, judgments, and other proceedings, made, rendered, and had by and before the Common Pleas Court of Clinton county, in this State, held in the court house of said county, in the months of October and November, in the year one thousand eight hundred and sixty five, and then and there, by and before the several judges of the said court.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Campbell obtained leave and introduced

House Bill No. 40. A bill to amend an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading, and practice, without distinction between law and equity, approved June 18, 1852."

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Hughes obtained leave and introduced

House Bill No. 41. "A bill to provide for and regulate the issuing and granting of licenses to locomotive engineers within the State of Indiana, and prescribing penalties for the violations of the provisions thereof."

Which was read a first time, and referred to the select committee heretofore appointed on that subject.

Mr. Thacher, from the special committee to whom was referred House Bill No. 3, made the following report:

Mr. SPEAKER:

The majority of the special committee, to whom was referred House bill No. 3, entitled an act to fix the time of holding the Courts of Common Pleas in the eighth district, and repealing former laws on the subject, have had the same under consideration, and have instructed me to report the same back with the following amendment, and when so amended, they recommend its passage: Amend Section 4, by adding after the word "passage," the following: "And publication in the *Daily Herald and Journal*."

Mr. Thacher moved that the House take up House bill No. 3.

Which was agreed to.

House bill No. 3. A bill to fix the times of holding the Courts of Common Pleas in the Eighth Judicial District, in the State of Indiana, and repealing former laws on the subject, and declaring when this act shall take effect.

Was taken up.

Mr. Thacher moved that it be deemed expedient to suspend the constitutional rule requiring bills to be read on three several days, and read said bill a second and third times now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Baker, Barritt, Belford, Bird, Bischof, Black, Blanch, Bobo, Brucker, Campbell, Carter, Chambers, Crain, Crowe, Dandaldson, Douglass, Dunn, Edmonson, Ervin, Evans, Ferris, Foulke, Funk, Fuller, Geisendorff, Gordon, Greene, Greer, Griggs, Hartman, Hamilton, Hays, Higgins, Hopkins, Honneus, Hostetter, Hudson, Hughes, Hungate, Inman, Kiser, Litson, Long of Jackson, Long of Kosciusko, Lopp, Martin, Mason, Matthis, McCarthy, McClasky, McLean, Miller, Moore, Morrison, Montgomery, Newcomb, O'Neil, North, Peelle, Prather, Ratliff, Rosser, Sabin, Scam-

mahorn, Shanks, Shields, Shook, Shoaff, Shull, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stackhouse, Stafford, Stewart, Tebbs, Thacher, Thrasher, Thomas, Vawter, Wason, Watson, Williams, White, Wolfe, Wolfer, Wolflin, Woods, Wright, and Mr. Speaker—92.

Those who voted in the negative were,

Messrs. McFadin, Ross, Van Valkenburgh, and Wilson—4.

So it was deemed expedient to suspend the constitutional rule, and said bill was read a second time.

Mr. Wright moved to amend by striking out printing in the papers.

Mr. Vawter moved to lay motion on the table.

Which was agreed to.

House bill No. 3, was read a third time, and the question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Barritt, Belford, Bird, Bischof, Black, Blanch, Bobo, Brucker, Campbell, Carter, Chambers, Crowe, Daggy, Donaldson, Douglass, Dunn, Edmonson, Ervin, Evans, Ferris, Foulke, Funk, Fuller, Geisendorff, Gordon, Greene, Griggs, Hartman, Hamilton, Hays, Higgins, Hopkins, Honneus, Hostetter, Hudson, Hughes, Hungate, Inman, Kiser, Litson, Long of Jackson, Long of Kosciusko, Lopp, Martin, Mason, Matthis, McCarthy, McClasky, McFadin, McLean, McMurray, Miller, Moore, Morrison, Montgomery, Newcomb, O'Neil, North, Peelle, Prather, Ratliff, Ross, Rosser, Sabin, Scammahorn, Shanks, Shields, Shook, Shoaff, Shull, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stackhouse, Stafford, Stewart, Tebbs, Thacher, Thrasher, Thomas, Van Valkenburgh, Vawter, Wason, Watson, Williams, Wilson, White, Wolfe, Wolfer, Wolflin, Woods, Wright, and Mr Speaker—96.

H. J.—6

No one voting in the negative,  
So the bill passed.

The question being, shall the title, as read, stand as the title of said bill?

It was so ordered.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Hughes obtained leave, and introduced

House bill No. 42. A bill to prevent the breaking of a quorum in the State Legislature, and prescribing punishment therefor.

Which was read a first time, and three hundred copies ordered to be printed, and made the special order for to-morrow, at two o'clock P. M.

Which was agreed to.

Mr. Fuller moved that the House do now adjourn.

Which was agreed to.

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TWO O'CLOCK P. M.

House met.

Mr. McLean obtained leave, and introduced

Joint Resolution No. 5. A joint resolution authorizing the Librarian to draw from the Treasurer of State the sum of one thousand dollars, to purchase post office stamps for the two houses of this General Assembly.

Which was read a first time, and referred to a select committee of three.

The Speaker announced the following special committee on joint resolution No. 5 :

Messrs. Newcomb, McLean and Miller.

### ORDERS OF THE DAY.

House bill No. 2, was taken up, read a second time, and passed to third reading.

House bill No. 4, was taken up, read a second time, and referred to Committee on Fees and Salaries.

House bill No. 18, was taken up, read a second time, and ordered to be engrossed.

Mr. Miller moved to take up House bill No. 25.

Which was agreed to.

Mr. Miller moved to reconsider the vote referring House bill No. 25, to the Committee on the Judiciary.

Which was agreed to.

House bill No. 25 was taken up, read a second time, and referred to the Committee on the Judiciary.

Mr. Hamilton obtained leave, and introduced

House bill No. 43. A bill to provide for a register of voters ; to define the residence of a voter, and to punish fraudulent practices touching elections.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Woods obtained leave, and introduced

House bill No. 44. A bill supplemental to an act entitled "An act to exempt property from sale in certain cases, approved Feb. 17, 1852."

Which was read a first time, and referred to the Committee on Rights and Privileges.

Mr. Wright obtained leave, and introduced

House bill No. 45. A bill to enable town trustees to lay out, survey, and open new streets and alleys, and straighten, widen and otherwise alter those already laid out, and to remove obstructions therefrom.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Kiser obtained leave, and presented a petition signed by E. Zimmer and others, in reference to the Grand Jury system.

Mr. Kiser moved that it be referred to the Committee on Ways and Means.

Mr. Fuller moved to amend by substituting the Judiciary Committee.

Which was not agreed to.

The petition was referred to the Committee on Ways and Means.

Mr. Stewart moved to take up Senate message.

Which was agreed to.

Message from the Senate, by Mr. Wilson, their Secretary:

MR. SPEAKER:

I am directed by the President of the Senate, to inform the House that the Senate has passed the following concurrent resolution, in which the concurrence of the House is respectfully requested:

*Resolved, by the Senate, (the House of Representatives concurring therein,) That a joint committee, consisting of three members of the Senate and three of the House of Representatives, be appointed to inquire into the propriety of ratifying, by legislative enactment, the appointment of John A. Wilstach, as Commissioner for the encouragement of emigration to the State of Indiana, made on the 18th of January, 1866, by Acting Governor Baker, and of*

providing an apportionment for the payment of the expenses incident to the duties of said appointment; said committee to report by bill or otherwise.

The Speaker announced the following committee on the part of the House:

Messrs. Geisendorff, O'Neil, and Foulke.

COMMITTEE ON FINANCE.

Messrs. Newcomb, Ross, Crain, Thacher, and Hopkins.

COMMITTEE ON HOUSE OF REFUGE.

Messrs. Shuey, Crowe, Stewart, Shull, and Scammahorn.

Mr. Hughes obtained leave and introduced House bill No. 46. A bill for the relief of Alfred Williams, Treasurer of Brown county, in the State of Indiana.

Which was read a first time, and referred to the Committee on Ways and Means.

Mr. Miller moved that when the House adjourn, it adjourn to meet to-morrow at 2 o'clock.

Which was agreed to.

Mr. Thacher moved that the House do now adjourn.

Which was agreed to.

WEDNESDAY AFTERNOON, 2 o'clock, {  
January 16, 1867. }

The House met.

The Clerk proceeded to read the Journal of yesterday.

When on motion by Mr. McLean, the further reading thereof was dispensed with.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate, to inform the House, that the Senate has passed the following Joint Resolution of the House:

House Joint Resolution No. 4, entitled "a Joint Resolution suspending the sale of the Sinking Fund building in the City of Indianapolis, and for the appointment of a Committee to examine the same and report upon the propriety of its purchase by the State.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House, that the President of the Senate has signed House Joint Resolution No. 4, and that the same is herewith returned to this House.

#### SPECIAL ORDERS OF THE DAY.

The hour having arrived for the consideration of House bill No. 42, the same was taken up.

House bill No. 42. A bill to prevent the breaking of a quorum in the State Legislature, and prescribing punishment therefor.

Was read a second time.



Mr. Peelle moved to amend by inserting the word Circuit immediately after the word "criminal" in the second section.

Which was agreed to.

Mr. McFadin offered the following amendment:

Insert immediately after the preamble, and make it a part thereof, as follows:

That it being an undeniable fact that part of the members of this House, in the year 1863, did then, in a revolutionary, unlawful and odious manner, flee, abscond and run away from the Hall of this House to the City of Madison, and contumaciously refused to return to their duties required of them as good and loyal citizens of the State of Indiana; thereby stopping legislation, to the great detriment and injury of the good and loyal citizens of said State. All of which we do hereby denounce in unmeasured terms, and recommend that the members who so unlawfully left their posts, be included in the pains and penalties of the following law.

Which was ruled to be out of order by the Speaker.

Mr. McFadin then offered the same as an amendment to said bill.

The same was ruled to be out of order.

Mr. McFadin thereupon submitted the following appeal:

The Speaker having decided that a Preamble cannot be offered as an amendment to the bill on its second reading, from which decision we appeal to the House.

S. L. McFADIN,

O. F. BAKER.

Mr. Hughes moved to lay the appeal on the table.

Messrs. McFadin and Baker demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Belford, Bischof, Black, Blanch, Campbell, Chambers, Corey, Crain, Daggy, Danaldson, Dunn, Ervin, Evans, Ferris, Foulke, Funk, Geisendorff, Gordon, Greer, Griggs, Hartman, Ham-

ilton, Higgins, Hopkins, Hudson, Hughes, Litson, Long of Kosciusko, Martin, Mason, McCarthy, McClasky, McLean, McMurray, Miller, Moore, Montgomery, Newcomb, North, Peelle, Prather, Ratliff, Rosser, Sabin, Scammahorn, Shook, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stackhouse, Stafford, Thrasher, Wason, Watson, Williams, Wilson, White, Wolfer, Wolflin, Woods, Wright and Mr. Speaker—64.

Those who voted in the negative were.

Messrs. Baker, Barritt, Bobo, Brucker, Carter, Crowe, Douglass, Edmonson, Fuller, Hays, Honneus, Hostetter, Hungate, Inman, Kiser, Long of Jackson, Lopp, Matthis, McFadin, Morrison, O'Neil, Ross, Shanks, Shields, Shoaff, Shull, Tebbs, Thacher, Van Valkenburgh and Wolfe—30.

So the motion to lay on the table prevailed.

The Speaker announced that he had signed House Joint Resolution No. 4.

Mr. Chambers, from the Committee on Engrossed Bills, made the following report :

MR. SPEAKER :

I am directed by the Committee on Engrossed Bills, to inform the House, that they have examined the engrossed copy of House Bill No. 18, and find the same in all things correctly engrossed.

Mr. McCarthy, from the Joint Committee on Enrolled Bills, made the following report :

MR. SPEAKER :

I am directed, by the Joint Committee on Enrolled Bills, to inform the House that they have examined the enrolled copy of House joint resolution No. 4, and find the same correctly enrolled.

Mr. Williams offered the following amendment to House bill No. 42.

MR. SPEAKER :

Bill No. 42 shall be amended by inserting in line eight of printed bill, instead of "one thousand," the words "one hundred."

The question being on the adoption of said amendment,

Messrs. Williams and McFadin demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barritt, Bird, Bischof, Black, Bobo, Corey, Crowe, Douglass, Fuller, Greene, Hungate, Inman, Kiser, Long of Jackson, Morrison, Montgomery, Shields, Shull, Stackhouse, Tebbs, Thacher, Van Yalkenburgh, Vawter, Williams, Wolfe, and Wright—26.

Those who voted in the negative were,

Messrs. Baker, Belford, Blanch, Brucker, Campbell, Carter, Chambers, Crain, Daggy, Danaldson, Dunn, Edmonson, Ervin, Evans, Ferris, Foulke, Funk, Geisendorff, Gordon, Greer, Griggs, Hartman, Hamilton, Hays, Higgins, Hopkins, Honneus, Hostetter, Hudson, Hughes, Long of Kosciusko, Lopp, Martin, Mason, Matthis, McCarthy, McClasky, McFadin, McMurray, Miller, Moore, Newcomb, North, O'Neil, Peelle, Prather, Ratliff, Ross, Rosser, Sabin, Scammahorn, Shook, Shoaff, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stafford, Thrasher, Wason, Watson, Wilson, White, Wolfer, Wolfin, Woods, and Mr. Speaker—70.

So the amendment was not agreed to.

A message from the Senate, by Mr. Wilson, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following concurrent resolution of the House, to-wit :

*Be it resolved*, (the Senate concurring herein,) That there be printed, in pamphlet form, ten thousand copies of the Governor's Message, three thousand whereof shall be printed in the German language; that fifteen hundred copies of said message shall be delivered to the Governor, for his own use, and that one-third of the remainder shall be delivered to the Doorkeeper of the Senate,

for the use of that body, and that the residue be delivered to the Doorkeeper of the House, for the use of the members thereof.

Communication from the Governor, by William R. Holloway, his Private Secretary:

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, January 16, 1867. }

*To the House of Representatives:*

You are hereby informed that my Private Secretary, William R. Holloway, is authorized to make communications to your body, in my behalf.

O. P. MORTON,  
*Governor of Indiana.*

Message from the Governor, by William R. Holloway, his Private Secretary:

MR. SPEAKER:

I am directed by the Governor, to inform the House that he has signed and approved "a joint resolution for suspending the sale of the Sinking Fund building, in the city of Indianapolis, and for the appointment of a committee to examine the same, and report upon the propriety of its purchase by the State.

Mr. Greene offered the following amendment to House bill No. 42:

*Resolved*, That section third be stricken out.

Which was not agreed to.

Mr. Kiser offered the following amendment:

After the words, "one thousand dollars," insert, "which sum, or sums, shall go to the school funds, and be, by the proper authority, set apart forever for the education of the colored children of the State of Indiana."

Mr. Hughes moved to amend, by striking out the word "Legislature," in the first section of said bill, and inserting the words, "General Assembly."

Mr. Stafford moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the amendment offered by Mr. Kiser,

Messrs. McFadin and Kiser demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Black and Kiser—2.

Those who voted in the negative were,

Messrs. Baker, Barritt, Belford, Bird, Bischof, Blanch, Bobo, Brucker, Campbell, Carter, Chambers, Corey, Crain, Crowe, Daggy, Danaldson, Douglass, Dunn, Edmonson, Ervin, Evans, Ferris, Foulke, Funk, Fuller, Geisendorff, Gordon, Greene, Greer, Griggs, Hartman, Hamilton, Hays, Higgins, Hopkins, Honneus, Hostetter, Hudson, Hughes, Hungate, Inman, Litson, Long of Jackson, Long of Kosciusko, Lopp, Martin, Mason, Matthis, McCarthy, McClasky, McFadin, McLean, McMurray, Miller, Moore, Morrison, Montgomery, Newcomb, Newland, North, O'Neil, Peelle, Prather, Ratliff, Ross, Rosser, Sabiin, Scammahorn, Shanks, Shields, Shook, Shoaff, Shull, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stackhouse, Stafford, Stewart, Tebbs, Thacher, Thrasher, Thomas, Van Valkenburgh, Vawter, Wason, Watson, Williams, Wilson, White, Wolfe, Wolfer, Wolflin, Woods, Wright, and Mr. Speaker—97.

So the amendment was not agreed to.

The question then being on the amendment offered by Mr. Hughes.

It was agreed to.

The bill was then ordered to be engrossed, and made the special order for the day on to-morrow at 2 o'clock.

Mr. McLean offered the following resolution :

*Resolved*, That Messrs. Wood, of Elkhart; Belford, of Laporte, and Baker, of Knox, be and are hereby added to the Judiciary Committee of this House.

Which was agreed to.

Mr. Belford offered the following resolution :

*Resolved*, That the Secretary of State be and he is hereby directed to furnish, without unnecessary delay, for the use of the Select and Standing Committees on Railroads, a list of all railroad companies that have filed articles, or certified copies of articles, of association, or otherwise accepted the benefits and provisions of the act entitled "An act to provide for the incorporation of railroad companies, approved May 11, 1852," and also a copy of all reports from said railroad companies, for the year ending January 1, 1867, as is required by section 35, of the act aforesaid.

Which was agreed to.

Mr. Vawter offered the following resolution :

WHEREAS, The Constitution of the United States guarantees to each State a representation in each branch of Congress, and

WHEREAS, From the beginning of the war up to the present, every message of the President, every proclamation, every State paper, and every act of Congress has proceeded upon the hypothesis, that no State could secede from the Union; that once in the Union, always in the Union. Mr. Lincoln, in every proclamation, went on the principle that this war was an insurrection, a rebellion against the Constitution and laws of the United States; therefore,

*Resolved by the House of Representatives, the Senate concurring*, That our Senators be instructed, and our representatives be requested to vote to admit, without delay, every loyal and legally qualified Senator and Representative from every State in the Union, and that we believe with Governor Morton, "Once in the Union, always in the Union; and that no State could secede from the Union."

Which was read, and referred to the Committee on Federal Relations.

The Speaker announced the following special committee on House bill No. 41:

Messrs. Hughes, Miller, and Belford.

The Speaker announced the following select committee on Joint Resolution No. 6.

Messrs. McLean, Martin, and Baker.

Mr. Corey moved that the House do now adjourn.

Mr. Wright moved to amend, by fixing the hour of meeting tomorrow, at two o'clock in the afternoon.

Which was agreed to.

Then, on motion, the House adjourned.

THURSDAY AFTERNOON, 2 O'CLOCK, }  
January 17, 1867. }

The House met.

Journal read and approved.

The Speaker laid before the House the following communication in regard to railroads:

JANUARY 14, 1867.

*To the Hon. Body of the Legislature of the State of Indiana:*

We, the undersigned petitioners, from Vincennes to the State line between Ohio and Indiana, ask of your Hon. body to examine in regard to the Ohio and Mississippi Railroad rates of fare.

We, the petitioners, say to you that the Ohio and Mississippi Railroad, or rather the proprietors of said road, are acting upon principles of extortion with the traveling community along the line of said road. Said Company is now, and have been, charging five cents per mile, which is two cents per mile above that allowed by their charter. We believe that during the war permission was granted for said Company to more than their charter allows between stations, but they are now charging from eight to ten cents per mile. We, the undersigned, assisted in placing you in the positions which you now occupy, and when so voting for you we naturally expected that your legislative action would be for the good of the entire people. We earnestly hope that your legislative action in the matter referred to will give us the desired relief from exorbitant charges, which we believe to be higher than those of any other railroad in the Union.

TWO THOUSAND VOTERS.

On motion, referred to the Committee on Railroads.

Mr. Chambers, from the Committee on Engrossed Bills, made the following report:



Mr. SPEAKER:

I am instructed by the Committee on Engrossed Bills to report that after a careful examination of engrossed House bill No. 42 with the original, that we find the same correctly and accurately engrossed.

The Speaker announced the following as a Committee of Eleven on Apportionment of Senators and Representatives:

Messrs. Hopkins, Prather, Honneus, Corey, Foulke, Newcomb, McMurray, Miller, Wright, Shoaff, and Douglass.

The Speaker appointed the following a Committee of Eleven on Congressional Apportionment:

Messrs. Peelle, Scammahorn, Honneus, Prather, Greene Campbell, McLean, Miller, Ross, Woods, and Bobo.

Mr. Newcomb moved to suspend the order of business, to allow him to offer a resolution.

Which was agreed to.

Mr. Newcomb offered the following concurrent resolution:

*Resolved*, By the House of Representatives, (the Senate concurring,) That the two Houses of this General Assembly meet in joint convention, in the Hall of the House of Representative, on to-morrow, Friday, January 18, 1867, at ten o'clock A. M., for the purpose of electing the following officers, to-wit:

Agent of State; State Printer; State Librarian; Trustee of the Wabash and Erie Canal; two Directors of the State Prison South; three Directors of the State Prison North; one Trustee for the Institute for the Education of the Blind; one Trustee for the Hospital for the Insane, and one Trustee for the Institution for the Education of the Deaf and Dumb.

Mr. Crain, from the Select Committee on the Employes of the House, obtained leave, and made the following report:

MR. SPEAKER :

The committee, to whom was referred the supervision of the employes of the House, beg leave to report that they have confirmed the following appoints made by the officers respectively :

By CYRUS T. NIXON, Principal Clerk.

For Reading Clerk—D. W. Kurtz, of Blackford.

For Enrolling Clerks—R. H. Newcomb, of Marion, and F. M. Runyan, of Clark.

For Engrossing Clerks—J. F. Huton, of Porter, and M. L. Reed, of Henry.

For File Clerk—J. T. Burus, of Hendricks.

For Registry Clerk—N. M. Merwin, of Putnam.

Clerk's Page—Wright Hadley, of Marion.

By P. A. KENNEDY, Assistant Clerk.

Robert O'Dormer, of Wayne; Germ Brown, of Steuben; Martin V. B. Cumerford, of Marion; John Eudaly, of Scott, and Ira Broshers, of Spencer.

By Capt. JOHN CAMPBELL, Doorkeeper.

Assistant Doorkeepers—1st, Alonzo Prather, of Jennings; 2d, James W. Cookley, of Monroe; 3d, W. J. Manker, of Morgan.

Firemen—Samuel Davis, of Monroe; Calvin W. Keeper, of White.

Water Carriers—Edward Johnson, of Owen; Wm. F. Hamilton, of Marion.

In Charge of Hats and Coats—F. C. McConn, of Wabash.

Spittoon Cleaner—James Russell, of Marion.

Privy Cleaner—Pat. Branan, Esq., of Marion.

Mail Carrier—Samuel Brown, of Johnson.

Post Office Department—T. Chipman, of Marion.

Folding Clerks—Joseph Dill, of Marion; James M. Levin, of Marion; Wm. Shuey, of Elkhart.

Announcing Messenger—F. C. Campbell, of Clark.

Which was concurred in.

Mr. Baker obtained leave and submitted the following report of the Committee on House Joint Resolution No. 6.

Which was concurred in.

MR. SPEAKER:

The Select Committee to whom was referred House Joint Resolution No 6. "A Joint Resolution authorizing and directing the Librarian to draw upon the Treasurer of State one thousand dollars for the purchase of Post Office Stamps for the use of members of both Houses of the Legislature" have had the same under consideration and would report the same back to the House with the recommendation that the same lie upon the table, and would offer as a substitute therefor, the enclosed House bill and recommend the passage of the same.

House bill No. 47. A bill authorizing and directing the Librarian to draw upon the Treasurer of State, three thousand dollars for the purchase of Post Office stamps for the use of members of both Houses of this General Assembly.

Which was concurred in and House bill No 47, was passed to a second reading.

Mr. Hamilton moved to suspend the order of business to allow him to offer a resolution.

Which was agreed to.

Mr. Hamilton offered the following resolution:

WHEREAS, The Committee on Stationery having failed to report in favor of allowing stamps and stationery to the elective officers or those performing the duties of said elective officers of this House; therefore,

*Resolved*, That they be allowed the same amount of stationery and stamps, and upon the same rules as is allowed to the members of this House.

Which was laid on the table.

Message from the Senate by Mr. Wilson their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the following concurrent resolution of the House to-wit:

*Resolved by the House of Representatives* (the Senate concurring), that the two Houses of this General Assembly, meet in Joint Convention in the Hall of the House of Representatives, on tomorrow, Friday, January 18th, 1867, at ten o'clock, A. M., for the purpose of electing the following officers, to-wit: Agent of State, State Printer, State Librarian, Trustee of the Wabash and Erie Canal, two Directors of the State Prison South,\*three Directors of the State Prison North, one Trustee for the Institute for the Education for the Blind, one Trustee for the Hospital for the Insane, and one Trustee for the Institute for the Education of the Deaf and Dumb.

The Speaker announced the following Special Committee on Legislative apportionment:

Messrs. Prather, Hopkins, Honneus, Corey, Foulke, Newcomb, McMurray, Miller, Wright, Shoaff and Douglass.

#### SPECIAL ORDER OF THE DAY.

The hour having arrived for the consideration of House bill No. 42, said bill was taken up and read a third time.

Mr. Ross moved to re-commit said bill to the Committee on Judiciary with instructions to strike out sections two and three and report the same back with said amendments.

Mr. Hughes moved to lay the amendment on the table.

Messrs Thatcher and Wolfe demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Belford, Bischof, Blanch, Brucker, Campbell, Chambers, Corey, Crain, Daggy, Danaldson, Dunn, Ervin, Evans, Ferris, Foulke, Funk, Geisendorff, Gordon, Greer, Griggs, Hartman, Ham-

ilton, Higgins, Hopkins, Hudson, Hughes, Litson, Long of Kosciusko, Martin, Mason, McCarthy, McClasky, McLean, McMurray, Miller, Moore, Newcomb, North, Peelle, Prather, Ratliff, Rosser, Sabin, Scammahorn, Shook, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stafford, Stewart, Thrasher, Thomas, Wason, Watson, Wilson, Wolfer, Wolfli, Woods, Wright and Mr. Speaker—62.

Those who voted in the negative were,

Messrs. Baker, Barritt, Bird, Black, Bobo, Crowe, Douglass, Edmonson, Fuller, Greene, Hays, Honneus, Hostetter, Hungate, Inman, Kiser, Long of Jackson, Lopp, Matthis, McFadin, Morrison, Montgomery, O'Neil, Ross, Shanks, Shields, Shoaff, Shull, Stackhouse, Tebbs, Thacher, Van Valkenburgh, Vawter, Williams, White, and Wolfe—36.

So the motion to lay on the table prevailed.

Mr. Hughes moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall House bill No. 42—a bill preventing the breaking of a quorum in the State Legislature, and prescribing punishment therefor—pass?

Those who voted in the affirmative were,

Messrs. Belford, Bischof, Blanch, Brucker, Campbell, Carter Chambers, Crain, Daggy, Danaldson, Dunn, Ervin, Evans, Ferris, Foulke, Funk, Geisendorff, Gordon, Greer, Griggs, Hartman, Hamilton, Higgins, Hopkins, Hudson, Hughes, Litson, Long of Kosciusko, Martin, Mason, McCarthy, McClasky, McLean, McMurray, Miller, Moore, Newcomb, O'Neil, North, Peelle, Prather, Ratliff, Rosser, Sabin, Scammahorn, Shook, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stackhouse, Stafford, Stewart, Thrasher, Thomas, Wason, Watson, Williams, Wilson, Wolfer, Wolfli, Woods, and Mr. Speaker—64.

Those who voted in the negative were,

Messrs. Baker, Barritt, Black, Bobo, Corey, Crowe, Douglass, Edmonson, Fuller, Greene, Hays, Honneus, Hostetter, Hungate, Inman, Kiser, Long of Jackson, Lopp, Matthis, McFadin, Morrison, Montgomery, Ross, Shanks, Shields, Shull, Tebbs, Thacher, Van Valkenburgh, Vawter, White, and Wolfe—32.

So the bill passed.

The question being, shall the title as read, stand as the title to said bill?

Mr. Hughes moved to amend, by inserting the words "General Assembly," instead of the word "Legislature."

Which was agreed to.

The title, as amended, then passed.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

Mr. Higgins moved to take up Senate Joint Resolution No. 1.

Which was agreed to.

A Joint Resolution accepting and ratifying certain amendments to the Constitution of the United States, proposed by Congress to the Legislatures of the several States.

Mr. Wolfe moved that the House do now adjourn.

Which was not agreed to.

Senate Joint Resolution No. 1 was read a first time, and, on motion, referred to the special committee on constitutional amendments.

On motion by Mr. McFadin, the House adjourned.

FRIDAY MORNING, 9 O'CLOCK. }  
January 18, 1867. }

The House met.

On motion by Mr. Shuey, the reading of the journal was dispensed with.

Mr. Shuey moved to suspend regular order of business, to enable him to make a report from the Select Committee on Constitutional Amendment.

Which was agreed to.

Mr. Shuey then submitted the following report:

Mr. SPEAKER:

A majority of the select committee, to whom was referred Joint Resolution No. 1, entitled, a Joint Resolution accepting and ratifying an amendment to the Constitution of the United States, proposed by Congress to the Legislatures of the several States, beg leave to report that they have had the same under consideration, and recommend the following amendment, *to-wit*:

In the third line of the third section of said proposed amendment, between the words "President" and "Vice President," strike out the word "or" and insert the word "and;" and when so amended, they recommend its adoption. In the opinion of the majority of said committee, the important and salutary propositions contained in said amendment have been most fully discussed before and by the people of this State, and in accordance with a just and enlightened public sentiment, the people of this State have, at the last general election, most emphatically declared in favor of said amendment; and that therefore this Legislature should promptly ratify the same.

Which was laid on the table.

Mr. Honneus, from the same committee, made the following minority report:

MR. SPEAKER:

The minority of the committee to whom was referred Joint Resolution No. 1, for the adoption of the proposed amendment to the Federal Constitution, not being able to agree with the majority, respectfully submit their objections:

First. The proposed amendments are brought forward at a time when the public mind is too much excited by the events of the past six years, to consider with that degree of calmness necessary to a wise decision of questions so vital to the welfare of our country, as the radical changes therein proposed would involve.

Second. When submission by a Congress in which only about two-thirds of the States of the Union were represented, must raise a question as to the validity which in after times may affect the stability of the Government itself. For whatever may be the judgment of the House as to the legality of the amendments so submitted, changes in the organic law ought to be of such a character, and so adopted, as to stand the test of time, and meet the approbation of the people of the whole Union.

Third. The objects and purposes for which they are brought forward and pressed upon the country, are merely for partisan purposes, designed to impress upon the Constitution the political dogmas of a radical party, and to perpetuate power in the hands of a minority of the white people of this country, by forcing into our political system the odious doctrine of negro equality.

Fourth. The first section places all persons, without regard to race or color, who are born in this country, and subject to its jurisdiction, upon the same political level, by constituting them "citizens of the United States, and of the State wherein they reside," thus conferring upon the negro race born in this country the same rights, civil and political, that are now enjoyed by the white race, and subject to no other conditions than such as may be imposed upon white citizens, including, as we believe, the right of suffrage.

Fifth. But lest there might still be power in a State to prescribe color and race as qualifications for voting, the second section reduces the congressional representation in any such State, "in the proportion which the number of male negroes over the age of twen-



ty-one years so excluded, shall bear to the whole number of male citizens twenty-one years of age, in such State." Thus giving to the States which may adopt negro suffrage, a permission for so doing, in the form of increased federal power; and furnishing those States (our own inclusive,) which limit the right to vote to "white men," by a corresponding loss of federal power. This is done under the pretense that it avoids the present inequality in federal representation, while the present unfair advantage in favor of New England, on account of her resident non-voting population, is carefully preserved.

Thus the balance of power, which this section would thus distribute, could only be regained by extending the right of suffrage to the negroes in all the States, and when this has been effected, federal representation will be based, as it now is, "upon the whole number of persons in each State," without regard to age, sex, race or color. The purpose, therefore, of this section is not to equalize representation, but to enforce negro suffrage.

Sixth. The third section is *ex post facto*; it seeks by disfranchisement, to impose a punishment for crime not prescribed by law at the time the crime was committed. It disfranchises all of that class of persons therein named, who "shall have engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof," but denounces no penalties against those who *may* hereafter commit the same act. It makes no distinction between those who may have unwillingly engaged in rebellion or insurrection, and those who may have been compelled to do so, and it vests the power in Congress alone to absolve the parties from the penalties it prescribes, to be exercised only by a two-thirds vote of each house. It would be difficult, in our opinion, to frame a law more thoroughly the offspring of passion, and less in accordance with sound policy and statesmanship.

But to place such a provision as this in the Constitution—the organic law which is designed to last for ages, affecting, as it does, past offences and offenders only, and containing no guarantees for the future, and that must become obsolete at the end of the present generation, is an act of folly that vengeance and not statesmanship could sanction.

Seventh. The fourth section is a cheat and a fraud. It denounces a debt—the rebel debt—which has no legal existence, that there may be a precept to fasten upon the people forever the pres-

ent heavy burthen of our public debt, with all its immunities and exemptions from any part of the weight of taxation, under which our people are laboring.

The Supreme Court of the United States has recently decided that under the Constitution, as it now is, Congress may authorize the States to tax the stocks of National Banks based, as they are, upon Government bonds; but if the Constitution shall be so amended as to declare that "the validity of the public debt of the United States, authorized by law, shall not be questioned," it is quite certain that any further legislation, by which any part of the Government burthens shall be made to rest upon the bonds issued for that debt, whether it shall be in the form of taxes, or otherwise, will be held to conflict with the constitutional immunities thus secured to them. We are unwilling that the moneyed interest of the country shall be thus guarded and protected, at the expense of the laboring masses, and while we have faith in the people that they will faithfully pay all that the Government owes, we do not think it wise for them to tie up their hands on this subject, and fetter their future action, for the sole benefit of capitalists, who alone are able to buy and hold bonds, and live on the interest of their money thus invested.

Eighth. The fifth and last section clothes Congress with the power "to enforce by appropriate legislation the provisions of this article." Just what power is thus conferred upon Congress, it would be difficult to say. If no more is intended than to confer the ordinary power of bringing the provisions of the article into effect, then it would seem to be wholly useless, for by the terms of the Constitution, all legislative power under it is vested in Congress; but if by the word enforce, some new authority is to be understood, some new force is to be placed in the hands of Congress, then it may be of importance to see how far such a provision might be used to increase the centralizing power of the Federal Government. We have seen so many instances of stretching the powers of government in the last few years, by resorting to new and startling constructions of what seemed to be plain provisions, plainly written, that we feel the time has come when proposed amendments should be freed from all ambiguity; and therefore we are unwilling to sanction any new proposal to confer power upon the Federal Government, by amending the Constitution, until we know its precise scope and meaning.

Ninth.' The majority of this committee style the proposed amendments as "important and salutary." They are important, from the fact that the moneyed power in this country is trying to bring about the same state of affairs now existing in Germany, and other monarchical governments, by making the laboring classes pay tribute to the aristocracy. If taxing the laboring man, and not taxing the rich bondholder on his bonds, is "salutary," we of the minority propose to take no physic from these learned doctors.

As for the people deciding in favor of these proposed amendments, we do not believe; but we do believe, if the people of Indiana had a chance of voting on the proposed amendments, they would cast one hundred thousand majority against them. If, in the language of the majority of this committee, the proposed amendments "have been most fully discussed," they have likewise been most thoroughly misrepresented by the orators of the Republican party, before the last general election.

For the reasons, thus briefly stated, we are unwilling, as the representatives of a portion of the people of the State of Indiana, to bind hereto the changes thus proposed in the Federal compact, and shall therefore record our votes against the joint resolution, by which it is proposed here assent shall be acceded.

F. H. C. HONNEUS,  
JOHN H. WHITE,  
W. B. CARTER.

Which report was laid on the table.

Message from the Senate, by Mr. Wilson, their Secretary.

Mr. SPEAKER:

I am directed by the Senate to request the House of Representatives to return to the Senate, Senate joint resolution No. 1, ratifying the Constitutional amendment, that an error therein may be corrected.

Mr. Shuey moved to take up the message from the Senate requesting the return to that body of joint resolution No. 1.

Which was agreed to.

And said joint resolution was ordered returned to the Senate in accordance with the request thereof.

## PETITIONS, MEMORIALS, REMONSTRANCES, &amp;C.

By Mr. Litson,

A petition from sundry citizens of Dearborn and Ripley counties, in reference to the time of holding courts in said counties.

Which was read and referred to the Committee on the Organization of Courts.

By Mr. Honneus,

A claim in favor of D. Bridges, for recruiting services.

Which was referred to the Committee on Claims, without reading.

By Mr. Stafford,

A petition from sundry citizens of Hamilton and Tipton counties, asking for a more stringent prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Wright,

A petition from sundry citizens of Jasper county, asking for a change in the road law.

Which was referred to the Committee on Roads, without reading.

By Mr. McMurray,

A petition from sundry citizens of Putnam county, on the subject of temperance.

Which was referred to the Committee on Temperance, without reading.

By Mr. Newcomb,

A memorial from William Willard, of Indianapolis.

Which was referred to the Committee on Ways and Means, without reading.

By Mr. Crain.

A petition from sundry citizens of Clay county.

Which was referred to the Committee on Ways and Means, without reading.

By Mr. Kiser,

A petition from sundry citizens of Allen county, in relation to county bonds.

Which was referred to the Committee on Ways and Means, without reading.

Mr. Bird obtained leave to record his vote on House bill No. 42. As of yesterday, he voted No.

Mr. Hartman offered the following resolution.

*Resolved*, That the Doorkeeper be instructed to procure for each member of the House, one open copy of the *Daily Telegraph*, in addition to the two copies folded already provided for, so as to place said paper on an equal footing with the *Daily Journal* and *Herald*.

Which was read, and,

On motion by Mr. Lopp, laid upon the table.

Mr. Shull offered the following resolution :

*Resolved*, That no employee of any Committee or officer of this House shall receive any pay or allowance unless the appointment of such employee shall have been confirmed by the Special Committee on Employees.

Which was agreed to.

Mr. McFadin offered the following :

Instructing the Committee on Incorporations to inquire into the provisions of an act for the incorporation of cities, approved December 20, 1865, and to report by bill or otherwise.

Which was referred to the Committee on Corporations without reading.

Mr. Higgins introduced

House bill No. 48. A bill in relation to the change of public highways.

Which was read a first time, and referred to the Committee on Roads.

Mr. Chambers introduced

House bill No. 49. A bill creating the Fourteenth Judicial Circuit, and fixing the time of holding courts therein.

Which was read a first time, and referred to the Committee on the Organization of Courts.

Mr. Chambers introduced

House bill No. 50. A bill defining what counties shall constitute the Thirteenth Judicial Circuit, and fixing the time of holding Courts therein.

Which was read a first time, and referred to the Committee on the Organization of Courts.

Mr. Chambers introduced

House bill No. 51. A bill defining what counties shall constitute the Seventh Judicial Circuit, and fixing the time of holding courts therein.

Which was read a first time, and referred to the Committee on the Organization of Courts.

Mr. Thrasher introduced

House bill No. 52. A bill to amend sections three and fourteen of an act entitled "An act to allow County Commissioners to organize turnpike companies when three-fifths of the persons representing the real estate within prescribed limits, petition for the same, and to levy a tax for its construction, and provide for the same," approved March 6, 1865.

Which was read a first time, and referred to the Committee on Roads.

Mr. Ratliff introduced

House bill No. 53. A bill to fix the time of holding the Court of Common Pleas in the county of Grant, and repealing all laws in conflict therewith.

Which was read a first time, and referred to the Committee on the Organization of Courts.

Mr. Dunn obtained leave and offered the following resolution :

*Resolved*, That the dignity of this Assembly, and the respect that we, as a deliberative body, owe our constituents at home, demand that low buffoonery and clownish wit meet with no approbation on the part of Members, and that we do hereby most heartily censure and condemn all such demonstrations.

Mr. Douglass moved to lay said resolution on the table.

Which was not agreed to.

The question then being on the adoption of the resolution,  
It was agreed to.

Mr. McLean introduced

House bill No. 54. A bill concerning the organization and perpetuity of voluntary associations, and repealing an act entitled "An act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855, and repealing each act repealed by said act, and authorizing gifts or devises by will to be made to any corporation or purpose contemplated by this act.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Griggs offered the following :

A resolution instructing a special committee to inquire into the expediency of abolishing Courts of Common Pleas and Boards of County Commissioners, and providing for the transaction of such business as is now performed by said courts, and to report by bill or otherwise.

Which was read and referred to the Joint Committee on the Organization of Courts.

Messrs. Carter, Morrison, Litson, and Scammahorn, obtained leave of absence until Tuesday morning next.

Messrs. Long and O'Neil obtained leave of absence for next week.

Mr. Bird obtained leave of absence until Monday night next.

Mr. Newcomb offered the following resolution :

*Resolved*, That the Clerk be instructed to inform the Senate that the House is now in waiting to meet the Senate in Joint Convention, in the Hall of the House, to go into the election of certain officers, as per concurrent resolution of the two Houses, on yesterday, and that the Doorkeeper be instructed to provide seats for the Senators, on the right hand of the Speaker's chair.

Which was concurred in.

Mr. Brucker introduced

House bill No. 55. A bill regulating the interest on money, and repealing an act entitled "An act regulating interest on money, and to repeal an act entitled an act concerning interest on money, approved May 27, 1852;" the fifty-first section of the act defining misdemeanors, and prescribing punishment therefor, approved June 14, 1852, and all other laws and parts of laws in conflict with this act, approved March 7, 1861, and an act to amend the fifth and sixth sections of the aforesaid act, approved December 19, 1865; and also all other laws, or parts of laws, conflicting with this bill.

Which was read a first time, and referred to the Committee on the Judiciary.

## JOINT CONVENTION.

The Senators came into the House and were seated on the right of the Speaker.

Hon. Conrad Baker, President of the Senate, took the Chair.

On motion the Joint Convention proceeded to the election of the following officers :

First in order, is the Agent of State.

Senator Cumback nominated Walter Q. Gresham.

Senator Hanna nominated M. D. Manson.

The Joint Convention proceeded to vote by a *viva voce* vote.



Those who voted for Walter Q. Gresham were as follows :

Senators Armstrong, Bellamy, Bennett, Bonham, Brown, Cason, Church, Cravens, Cullen, Cumback, Houghton, Hyatt, Jaquess, Johnson, Kinley, Lewis, Milligan, Niles, Noyes, Oyler, Parrish, Reagan, Rice, Richmond, Stein, Terry, Thompson, Ward and Wolcott—29.

Those who voted for Walter Q. Gresham on the part of the House, were,

Messrs. Belford, Bischof, Blanch, Brucker, Campbell, Chambers, Crain, Daggy, Danaldson, Dunn, Ervin, Evans, Ferris, Foulke, Funk, Geisendorff, Gordon, Greer, Griggs, Hartman, Hamilton, Higgins, Hopkins, Hudson, Hughes, Litson, Long of Kosciusko, Martin, Mason, McCarthy, McClasky, McLean, McMurray, Miller, More, Newcomb, North, Peelle, Prather, Ratliff, Rosser, Sabin, Shook, Shuey, Skidmore, Smith, of Lagrange, Smith of Wabash, Spencer, Stafford, Stewart, Thrasher, Thomas, Wason, Watson, Wilson, Wolfer, Wolfli, Woods, Wright and Mr. Speaker—88.

Those who voted for Mahlon D. Manson, were;

Senators Barker, Bowman, Carson, English, Gifford, Hanna, Huey, Huffman, Humphreys, Hunt, Lee, Mason, Smith, Staggs, Taggart and Turner—16.

Those who voted for Mahlon D. Manson on part of the House were.

Messrs. Baker, Barritt, Bird, Black, Bobo, Carter, Corey, Crowe, Douglass, Edmonson, Fuller, Greene, Honneus, Hostetter, Hungate, Inman, Kiser, Long of Jackson, Lopp, Matthis, McFadin, Montgomery, O'Neil, Ross, Shanks, Shields, Shoaff, Shull, Stackhouse, Tebbs, Thacher, Van Valkenburgh, Vawter, Williams, White, and Wolfe—52.

Walter Q. Gresham, having received a majority of all the votes cast, was declared duly elected Agent of State for the State of Indiana, for the term prescribed by Law.

The Joint Convention then proceeded to the election of State Printer.

Mr. Newcomb, nominated A. H. Conner.

Senator Mason nominated Lafe Develin.

The Joint Convention proceeded to vote for State Printer by a *viva voce* vote.

Those who voted for A. H. Conner, were,

Senators Armstrong, Bellamy, Bennett, Bonham, Brown, Cason, Church, Cravens, Cullen, Cumback, Houghton, Hyatt, Jaquess, Johnson, Kinley, Lewis, Milligan Niles, Noyes, Oyler, Parrish, Reagan, Rice, Richmond, Stein, Terry, Thompson, Ward, and Wolcott—29.

Those who voted for A. H. Conner on part of the House, were,

Messrs. Belford, Bischof, Blanch, Brucker, Campbell, Chambers, Crain, Daggy, Danaldson, Dunn, Ervin, Evans, Ferris, Foulke, Funk, Geisendorff, Gordon, Greer, Griggs, Hartman, Hamilton, Higgins, Hopkins, Hudson, Hughes, Litson, Long of Kosciusko, Martin, Mason, McCarthy, McCasky, McLean, McMurray, Miller, Moore, Newcomb, North, Peelle, Prather, Ratliff, Rosser, Sabin, Shook, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stafford, Stewart, Thrasher, Thomas, Wason, Watson, Wilson, Wolfer, Wolflin, Woods, Wright, and Mr. Speaker—88.

Those who voted for Lafe Develin, were.

Senators Barker, Bowman, Carson, English, Gifford, Huey, Huffman, Humphreys, Hunt Lee, Mason, Smith, Staggs, Taggart, and Turner—15.

Those who voted for L. Develin, on part of the House, were,

Messrs. Baker, Barritt, Black, Bobo, Carter, Corey, Crowe, Douglass, Edmonson, Fuller, Greene, Honneus, Hostetter, Hungate, Inman, Kiser, Long of Jackson, Lopp, Matthis, McFadin, Montgomery, O'Neil, Ross, Shanks, Shields, Shoaff, Shull, Stackhouse, Tebbs, Thacher, Van Valkenburgh, Vawter, Williams, White, and Wolfe—51.

A. H. Conner was declared duly elected State Printer, for and during the term prescribed by law.

The Joint Convention then proceeded to the election of State Librarian by a *viva voce* vote.

Senator Milligan nominated B. F. Foster.

Representative Tebbs nominated R. A. Leonard.

Those who voted for B. F. Foster were,

Senators Armstrong, Bellamy, Bennett, Bonham, Brown, Cason, Church, Cravens, Cullen, Cumback, Houghton, Hyatt, Jaquess, Johnson, Kinley, Lewis, Milligan, Niles, Noyes, Oyler, Parrish, Reagan, Rice, Richmond, Stein, Terry, Thompson, Ward, and Wolcott—29.

Those who voted for B. F. Foster, on part of the House, were,

Messrs. Belford, Bischof, Blanch, Brucker, Campbell, Chambers, Crain, Daggy, Danaldson, Dunn, Ervin, Evans, Ferris, Foulke, Funk, Geisendorff, Gordon, Greer, Griggs, Hartman, Hamilton, Higgins, Hopkins, Hudson, Hughes, Litson, Long of Kosciusko, Martin, Mason, McCarthy, McClasky, McLean, McMurray, Miller, Moore, Newcomb, North, Peelle, Prather, Ratliff, Rosser, Sabin, Shook, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stafford, Stewart, Thrasher, Thomas, Wason, Watson, Wilson, Wolfer, Wolflin, Woods, Wright, and Mr. Speaker—89.

Those who voted for Mr. Leonard were,

Senators Baker, Bowman, Carson, English, Gifford, Hanna, Huey, Huffman, Humphreys, Hunt, Lee, Mason, Newlin, Smith, Staggs, Taggart, and Turner—17.

Those who voted for Mr. Leonard, on part of the House, were,

Messrs. Baker, Barritt, Bird, Black, Bobo, Carter, Corey, Crowe, Douglass, Edmonson, Fuller, Greene, Honneus, Hostetter, Hungate, Innan, Kiser, Long of Jackson, Lopp, Matthis, McFadin, Montgomery, O'Neil, Ross, Shanks, Shields, Shoaff, Shull, Stack-H. J.—8

house, Tebbs, Thacher, Van Valkenburgh, Vawter, Williams, White, and Wolfe—52.

B. F. Foster having received a majority of all the votes cast, was declared duly elected State Librarian, for and during the term prescribed by law.

On motion, the Joint Convention proceeded to the election of a Trustee of the Wabash & Erie Canal, by a *viva voce* vote.

Mr. Evans nominated R. H. Milroy.

Mr. Thacher nominated S. H. Buskirk.

Those who voted for R. H. Milroy were,

Senators Armstrong, Bellamy, Bennett, Bonham, Brown, Cason, Church, Cravens, Cullen, Cumbach, Houghton, Hyatt, Jaquess, Johnson, Kinley, Lewis, Milligan, Niles, Noyes, Oyler, Parrish, Reagan, Rice, Richmond, Stein, Terry, Thompson, Ward, and Wolcott—29.

Those who voted for R. H. Milroy on the part of the House were,

Messrs. Belford, Bischof, Blanch, Brucker, Campbell, Chambers, Crain, Daggy, Danaldson, Dunn, Ervin, Evans, Ferris, Foulke, Funk, Geisendorff, Gordon, Greer, Griggs, Hartman, Hamilton, Higgins, Hopkins, Hudson, Hughes, Litson, Long of Kosciusko, Martin, Mason, McCarthy, McClasky, McLean, McMurray, Miller, Moore, Newcomb, North, Peelle, Prather, Ratliff, Rosser, Sabin Shook, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stafford, Stewart, Thrasher, Thomas, Wason, Watson, Wilson, Wolfer, Wolfen, Woods, Wright, and Mr. Speaker—88.

Those who voted for Samuel H. Buskirk were,

Senators Baker, Bowman, Carson, English, Gifford, Hanna, Huey, Huffman, Humphreys, Hunt, Lee, Mason, Smith, Staggs, Taggart, and Turner—16.

Those who voted for Samuel H. Buskirk on the part of the House were,

Messrs. Baker, Barritt, Black, Bobo, Carter, Corey, Crowe, Douglass, Edmonson, Fuller, Greene, Honneus, Hostetter, Hungate, Inman, Kiser, Long of Jackson, Lopp, Matthis, McFadin, Montgomery, O'Neil, Ross, Shanks, Shields, Shoaff, Shull, Stackhouse, Tebbs, Thacher, Van Valkenburgh, Vawter, Williams, White, and Wolfe—51.

R. H. Milroy, having received a majority of all the votes cast, was declared duly elected Trustee for the Wabash and Erie Canal, for and during the term prescribed by law.

On motion by Mr. Newcomb, the Joint Committee proceeded to vote by a *viva voce* vote for the two Directors for the State Prison South.

Mr. Crain nominated F. M. Meredith.

Mr. Wilson nominated Milton P. Ghee.

Mr. Honneus nominated Levi Sparks.

Senator Mason nominated G. D. Green.

Those who voted for F. M. Meredith and M. P. Ghee were,

Senators Armstrong, Bellamy, Bennett, Bonham, Brown, Cason, Church, Cravens, Cullen, Cumback, Houghton, Hyatt, Jaquess, Johnson, Kinley, Lewis, Milligan, Niles, Noyes, Oyler, Parrish, Reagan, Rice, Richmond, Stein, Terry, Thompson, Ward, and Wolcott—29.

Those who voted for F. M. Meredith and M. P. Ghee on the part of the House were,

Messrs. Belford, Bischof, Blanch, Brucker, Campbell, Chambers, Crain, Daggy, Donaldson, Dunn, Ervin, Evans, Ferris, Foulke, Funk, Geisendorff, Gordon, Greer, Griggs, Hartman, Hamilton, Higgins, Hopkins, Hudson, Hughes, Litson, Long of Kosciusko,

Martin, Mason, McCarthy, McClasky, McLean, McMurray, Miller, Moore, Newcomb, North, Peelle, Prather, Ratliff, Rosser, Sabin, Shook, Shuey, Skidmore, Smith 'of Lagrange, Smith of Wabash, Spencer, Stafford, Stewart, Thrasher, Thomas, Wason, Watson, Wilson, Wolfer, Wolfin, Woods, Wright, and Mr. Speaker—60.

Those who voted for G. D. Green and Levi Sparks were,

Senators Barker, Bowman, Carson, English, Gifford, Hanna, Huey, Huffman, Hunt, Lee, Mason, Newlin, Smith, Staggs, Taggart, and Turner—17.

Those who voted for Levi Sparks and G. D. Green on the part of the House were,

Messrs. Baker, Barritt, Bird, Black, Bobo, Carter, Corey, Crowe, Douglass, Edmonson, Fuller, Greene, Honneus, Hostetter, Hungate, Inman, Kiser, Long of Jackson, Lopp, Matthis, McFadin, O'Neil, Ross, Shanks, Shields, Shoaff, Shull, Stackhouse, Tebbs, Thacher, Van Valkenburgh, Vawter, Williams, White, and Wolfe—35.

F. M. Meredith and M. P. Ghee, having received a majority of all the votes cast, were declared duly elected Directors of the State Prison South for and during the term prescribed by law.

The Joint Convention proceeded to the election of three Directors for the Northern State Prison, by a *viva voce* vote.

Senator Richmond nominated James N. Tyner, W. D. Corothers, and A. D. Hamrick.

Mr. Baker nominated Capt. Brophy, R. A. Curran, and J. D. McDonald.

Those who voted for J. N. Tyner, W. D. Corothers, and A. D. Hamrick were,

Senators Armstrong, Bellamy, Bennett, Bonham, Brown, Cason, Church, Cravens, Cullen, Cumback, Houghton, Hyatt, Jaquess, Johnson, Kinley, Lewis, Milligan, Niles, Noyes, Oyler, Parrish, Reagan, Rice, Richmond, Stein, Terry, Thompson, Ward, and Wolcott—29.

Those who voted for J. N. Tyner, W. D. Crothers, and A. D. Hamrick, on the part of the House, were,

Messrs. Belford, Bischof, Blanch, Brucker, Campbell, Chambers, Crain, Daggy, Danaldson, Dunn, Ervin, Evans, Ferris, Foulke, Funk, Geisendorff, Gordon, Greer, Griggs, Hartman, Hamilton, Higgins, Hopkins, Hudson, Hughes, Litson, Long of Kosciusko, Martin, Mason, McCarthy, McClasky, McLean, McMurray, Miller, Moore, Newcomb, North, Peelle, Prather, Ratliff, Rosser, Sabin, Shook, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stafford, Stewart, Thrasher, Thomas, Wason, Watson, Wilson, Wolfer, Wolflin, Woods, Wright, and Mr. Speaker—89.

Those who voted for R. A. Curran, J. D. McDonald, and Capt. Brophy were,

Senators Barker, Bowman, Carson, Gifford, Hanna, Huey, Huffman, Humphreys, Hunt, Lee, Mason, Smith, Staggs, Taggart, and Turner—16.

Those who voted for R. A. Curran, J. D. McDonald, and Capt. Brophy, on the part of the House, were,

Messrs. Baker, Barritt, Bird, Black, Bobo, Carter, Corey, Crowe, Douglass, Edmonson, Fuller, Greene, Honneus, Hostetter, Hungate, Inman, Kiser, Long of Jackson, Lopp, Matthis, McFadin, Montgomery, O'Neil, Shanks, Shields, Shoaff, Shull, Stackhouse, Tebbs, Thacher, Van Valkenburgh, Vawter, Williams, White, and Wolfe—52.

James N. Tyner, W. D. Corothers and A. D. Hamrick having received a majority of all the votes cast, were declared duly elected Directors of the State Prison North, for and during the term prescribed by law.

On motion by Mr. Newcomb, the Joint Convention adjourned.

The Senators then retired to their chamber.

Mr. Hughes introduced

House bill No. 56. A bill to establish an Agricultural College, wherein shall be taught such branches of learning as are related to

agriculture, including the mechanic arts and military tactics; also such other branches of science and literature as the General Assembly, or the Trustees, shall direct, and to provide a Board of Trustees for its management.

Which was read a first time, and referred to the Committee on Agriculture.

The vote of reference was reconsidered, and said bill referred to a Select Committee, consisting of the Committees on Education and Agriculture.

Pending the meeting of the Joint Convention was the motion made by Mr. Hughes, that it be deemed expedient to suspend the constitutional rule requiring bills to be read by sections, and that said bill be read by its title.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Baker, Barritt, Bischof, Black, Blanch, Bobo, Brucker, Campbell, Carter, Chambers, Corey, Crain, Crowe, Daggy, Dandaldson, Douglass, Dunn, Edmonson, Ervin, Evans, Ferris, Foulke, Funk, Fuller, Geisendorff, Gordon, Greene, Greer, Griggs, Hartman, Hamilton, Higgins, Hopkins, Honneus, Hostetter, Hudson, Hughes, Hungate, Inman, Kiser, Litson, Long of Jackson, Long of Kosciusko, Lopp, Martin, Mason, Matthis, McCarthy, McClasky, McFadin, McLean, McMurray, Miller, Moore, Montgomery, Newcomb, North, O'Neil, Peelle, Prather, Ratliff, Rosser, Sabin, Shanks, Shook, Shoaff, Shull, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stackhouse, Stafford, Stewart, Tebbs, Thrasher, Thomas, Van Valkenburgh, Vawter, Wason, Watson, Williams, Wilson, White, Wolfe, Wolfer, Wolfin, Woods, Wright, and Mr. Speaker—92.

Mr. Shields voting in the negative.

So it was deemed expedient to suspend the constitutional rule, and House bill No. 56 was read a first time by its title.



On motion by Mr. Miller, said bill was referred to the Committee on Agriculture.

The Speaker announced the following select committee to investigate business done by the State Printer:

Messrs. Peelle, Hughes, and Rosser.

Mr. Miller moved to make the committee five instead of three.  
Which was agreed to.

The Speaker laid before the House the following communications from the Secretary of State:

STATE OF INDIANA, }  
OFFICE OF THE SECRETARY OF STATE. }

In obedience to a resolution of the House of Representatives of the General Assembly of the State of Indiana, the Secretary of State has the honor to furnish, for the use of the Select and Standing Committees on Railroads, the following list of articles of association of railroad companies filed in this office within and since the year A. D. 1852, to-wit:

Indiana and Illinois Central Railroad Company.

The Lake Erie, Wabash and St. Louis Railroad Company.

Illinois Southern Railroad Company.

The Covington and State Line Railroad Company.

Grand Rapids and Indiana Railroad Company.

Cincinnati, Peru and Chicago Railroad Company.

The Illinois, Indiana and Michigan Railroad Company.

Fort Wayne and Chicago Railroad Company.

Short Line Railroad Company.

Cleveland and Fort Wayne Railroad Company.

Toledo and Indianapolis Railroad Company.

Cleveland and St. Louis Railroad Company.

Madison and Lake Erie Railroad Company.

Auburn and Red River Valley Railroad Company.

Sandusky, Indiana and Louisville Railroad Company.

Logansport and Crawfordsville Railroad Company.

Pittsburgh and Logansport Railroad Company.

Dayton and Red River Valley Railroad Company.  
 Cincinnati, Indianapolis and Chicago Railroad Company.  
 Cincinnati and Fort Wayne Railroad Company.  
 Cincinnati, Cambridge and Chicago Short Line Railroad Company.  
 Vincennes and St. Francisville Railroad Company.  
 Chicago and Cincinnati Railroad Company.  
 Wabash and Western Railroad Company.  
 Lake Erie and Pacific Railroad Company.  
 Plymouth, South Bend and Niles Railroad Company.  
 Marion, Peru and Chicago Railroad Company.  
 South-Western Railroad Company.  
 Pittsburgh, Fort Wayne and Chicago Railroad Company.  
 Fort Wayne and Mississippi Railroad Company.  
 Richmond Railroad Company.  
 Columbus and Shelby Railroad Company.  
 Cincinnati, Union and Fort Wayne Railroad Company.  
 Madison and Terre Haute Railroad Company.  
 Cincinnati and Chicago Railroad Company.  
 Cincinnati, Newcastle and Michigan Railroad Company.  
 Tiffin and Fort Wayne Railroad Company.  
 Connersville and Newcastle Railroad Company.  
 Cincinnati and Chicago Air Line Railroad Company.  
 Decatur and Indianapolis Railroad Company.  
 Rising Sun and Aurora Railroad Company.  
 Logansport and Marion Railroad Company.  
 Toledo and Wabash Railroad Company.  
 Laporte and Illinois River Railroad Company.  
 Cincinnati and Indianapolis Railway Company.  
 Joliet and Northern Indiana Railroad Company.  
 Ohio Falls Marine Railroad Company.  
 Fort Wayne and Western Railroad Company.  
 St. Louis, Alton and Terre Haute Railroad Company.  
 Union, Peru and Chicago Railroad Company.  
 Crawfordsville, Frankfort, Kokomo and Fort Wayne Railroad Company.  
 Wabash and Red River Valley Railroad Company.  
 Union and Peru Railroad Company.  
 Lafayette and LaSalle Railroad Company.  
 Princeton and Mt. Carmel Railroad Company.

New Albany and Sandusky City Junction Railroad Company.  
 Grand Rapids and Fort Wayne Railroad Company.  
 Logansport and Pacific Railroad Company.  
 Cincinnati and Indiana Railway Company.  
 Evansville, Indianapolis and Cleveland Railroad Company  
 Ohio, Indiana and Illinois Railroad Company.  
 Toledo, Logansport and Burlington Railway Company.  
 Aurora and Indianapolis Railroad Company.  
 Lafayette and Northern Illinois Railroad Company.  
 Ohio and Indianapolis Railroad Company.  
 Newcastle and Danville Railroad Company.  
 Michigan Southern and Northern Indiana Railroad Company.  
 Toledo, Wabash and Western Railroad Company.  
 Chicago and Great Eastern Railroad Company.  
 Connersville and Newcastle Junction Railroad Company.  
 Columbus and Indianapolis Central Railway Company.  
 Bellefontaine Railway Company.  
 Atlantic and Great Western Railway Company.  
 Indianapolis, Rochester and Chicago Railroad Company.  
 Toledo, Logansport and Northern Indiana Railroad Company.  
 Portland and Union Railroad Company.  
 Indianapolis, Peru and Chicago Railroad Company.  
 Cincinnati and Martinsville Railroad Company.  
 Cincinnati and New Albany Railroad Company.  
 Goshen, Kosciusko and Peru Railroad Company.  
 Wabash and Chicago Railroad Company.  
 Indiana Southern Railroad Company.  
 Indianapolis and Vincennes Railroad Company.  
 Whitewater Valley Railroad Company.  
 Cincinnati, Lafayette and Chicago Railroad Company.  
 Cincinnati, Indianapolis and Danville Railroad Company.  
 Toledo, Burlington and Pacific Railroad Company.  
 Evansville and Cincinnati Railroad Company.  
 Lake Erie and Louisville Railroad Company.  
 Honey Creek Coal and Railroad Company.  
 Indianapolis, Crawfordsville and Danville Railroad Company.  
 Rensselaer Railroad Company.  
 Chicago, Cincinnati and Louisville Railroad Company.  
 Jeffersonville, Madison and Indianapolis Railroad Company.

The Secretary of State has the honor to further represent that none of the foregoing railroad corporations have filed in his office a report or statement of the earnings, &c., of their roads, for the year ending January 1, 1867, as required in section of act referred to in said resolution.

All of which is respectfully submitted,

NELSON TRUSLER,

*Secretary of State.*

STATE OF INDIANA, }  
OFFICE OF SECRETARY OF STATE. }

In accordance with resolution of House of Representatives of the General Assembly of the State of Indiana, the Secretary of State has the honor to submit the following copy of *acceptance* of the "Madison & Indianapolis Railroad Company" of act of General Assembly aforesaid, approved February 28, 1852, relative to sale, &c., by the State of Indiana of her interest in said road, to-wit:

MADISON, Thursday March 4th, 1852.

At a meeting of the Board of Directors of the Madison and Indianapolis Railroad Company, held at Madison this day it was

*Resolved*, Unanimously that the Madison and Indianapolis Railroad Company hereby accept the provision of an act of the General Assembly of the State of Indiana, entitled, "an act to enable the Madison and Indianapolis Railroad Company to avoid the inclined plane at Madison, to provide for the sale of the interest of the State in said Railroad, and to repeal so far as affects the Madison and Indianapolis Railroad Company, the 55th and 58th sections of the act entitled 'an act for the continuance and construction of all or any part of the public works of this State by private companies and for abolishing the Board of Internal Improvements, and the offices of Fund Commissioners and Chief Engineers, approved January 28th, 1842'" said act approved Feb. 28th 1852.

Ordered that the Secretary be directed to file a copy of the foregoing resolution, duly attested by the seal of the Company, with the Secretary of State.

I assert the foregoing to be a true copy of the record.

[ L. S. ]

W. N. JACKSON,

*Secretary.*

The foregoing is a full, true, and complete copy of acceptance aforesaid, now on file in said office of Secretary of State, the same having been filed in said office on the 5th of March 1852, as appears from date of filing endorsed thereon.

It further appears from the files of this office, that the said Madison and Indianapolis Railroad in the year A. D. 1861, was sold on a decree of foreclosure obtained in the Circuit Court of the United States for the 7th Judicial Circuit and District of Indiana, in suit wherein Peter McMartin was complainant, and that at the sale of said Road, John Ferguson *et al* became the purchasers thereof, and in accordance with the laws of the State of Indiana, formed a corporation under the name of the "Indianapolis and Madison Railroad Company."

All of which is respectfully submitted.

NELSON TRUSLER,  
*Secretary of State.*

Jan. 17th, A. D. 1867.

Mr. Newcomb introduced,

House bill, No. 57. A bill to suspend until the 20th day of February, A. D. 1867, the 7th section of an act approved December 21, 1865, entitled "an act to provide a State Debt Sinking Fund for the payment of the principal and interest of the five and two and one-half per cent. Stocks of the State therein named, and giving priority of payment to the holders of the two and one half per cent. Stocks of the State of Indiana, prescribing the duties of the Auditor, Treasurer and Agent of the State in relation thereto, providing for a Clerk of said State Debt Sinking Fund, and fixing his salary, and providing a penalty for the violation of its provisions; abolishing the Board of Sinking Fund Commissioners, and all offices connected therewith, and the office of Agent of State in the City of New York; to invest money belonging to the Sinking Fund in the Stocks of the State, transferring the business of said Board of Sinking Fund Commissioners to the Auditor and Treasurer of State, providing that the tax therein levied shall be taken and considered a part of the tax under an act entitled "an act to raise revenue for State purposes for the years one thousand eight hundred and sixty-five and one thousand eight hundred and sixty-six," approved March 2, 1865, and declaring an emergency for the immediate taking effect of this bill.

Which was read a first time and referred to the Committee on Sinking Fund.

Mr. Higgins moved to suspend the order of business and the House proceed to the election of Trustees for the Benevolent Institutions.

Which was not agreed to.

Mr. Miller moved to reconsider the vote whereby House bill No. 56, was referred to the Committee on Agriculture.

Which was agreed to.

Mr. Hughes obtained leave and offered the following resolution:

*Resolved*, That the members of the Committees on Education and on Agriculture are hereby constituted a Select Committee to consider all bills and propositions touching the establishment of an Agricultural College and that House bill No. 56, be referred to the same.

Which was concurred in.

Mr. Stafford moved to suspend the regular order of business till 12 o'clock.

Which was agreed.

Mr. Miller introduced,

House bill No. 58, entitled "a bill to provide for the election of Township officers."

Which was read a first time and passed to a second reading.

Mr. Belford introduced

House bill No. 59. A bill to amend sections two and twenty-three of an act entitled "An act for the incorporation of insurance companies, defining their powers and prescribing their duties," approved June 17, 1852.

Which was read a first time, and, on motion, referred to the Committee on the Judiciary.

Mr. Newcomb obtained leave, and offered the following concurrent resolution :

*Be it resolved*, by the House of Representatives, (the Senate concurring,) That the two Houses of this General Assembly will, at three o'clock P. M., this day, proceed, by a concurrent vote in the separate Houses, to elect one Commissioner for the Hospital of the Insane, one Trustee for the Asylum for the Blind, and one Trustee for the Institution for the Education of the Deaf and Dumb; each for the term of four years from the second day of April next.

Which was agreed to.

Mr. Smith, of Lagrange, from the Committee on Education, obtained leave, and made the following report :

MR. SPEAKER:

The Committee on Education now beg leave to present House bill No. 60, being an act entitled an act to appropriate two hundred dollars from the Township Library Fund, to defray the expenses of the distribution of the fourteenth report of the Superintendent of Public Instruction, and unanimously recommend its passage.

House bill No. 60. A bill to appropriate two hundred dollars from the Township Library Fund, to defray the expenses of the distribution of the fourteenth report of the Superintendent of Public Instruction.

Which was read a first time, and referred to the Committee on Ways and Means.

Mr. Litson introduced

House bill No. 61. A bill to re-district the State for the Courts of Common Pleas, and fixing the times of holding, and regulating the practice therein, fixing the salaries of Common Pleas Judges, and repealing all laws in conflict with the provisions of said act.

Which was read a first time and referred to the Committee on the Organization of Courts.

Mr. Crain introduced

House bill No. 62. A bill to regulate the practice of dentistry in the State of Indiana.

Which was read a first time, and referred to the Committee on the Judiciary.

On motion of Mr. Griggs, the House adjourned.

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TWO O'CLOCK P. M.

The House met.

Messages from the Senate by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof, to-wit:

Senate bill No. 26. Entitled "An act appropriating seventy-five thousand dollars to defray the expenses of the forty-fifth session of the General Assembly," in which the concurrence of the House is respectfully requested.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following concurrent resolution, in which the concurrence of the House is respectfully requested:

*Resolved*, That there be a committee of three on the part of the Senate and three on the part of the House of Representatives to take into consideration the organization of our courts; and that



said committee have leave of absence at such times during the sitting of either House as may be needed to properly prepare and perfect such a measure, and to report by bill or otherwise.

I am further directed by the Senate to inform the House of Representatives that the Senate has passed the following bill thereof, to-wit:

Senate bill No. 21. Entitled "An act supplemental to an act approved March 5, 1859, entitled an act authorizing the purchase of railroads, plank roads, turnpike roads and macadamized roads, or parts thereof, under mortgaged sale, or sale made according to the terms of deeds of trust to organize as incorporated companies, and prescribing their powers and duties; extending the time provided in said act for the organization of such distinct corporations by such purchases," in which the concurrence of the House is respectfully requested.

The Speaker announced that he had added Messrs. Stackhouse and Hartman to the Special Committee to investigate the State printing.

The Speaker announced the following committee on the part of the House on the Joint Committee on the Reorganization of Courts of Justice:

Messrs. Woods, Ross, and Griggs.

The Speaker announced the following Select Committee on House bill No. 12:

Messrs. Funk, Smith of Lagrange, Geisendorff, Hartman, and Sabin.

## ORDERS OF THE DAY.

Senate bill No. 26 was then taken up:

A bill supplemental to an act approved March 5, 1859, entitled an act authorizing the purchasers of railroads, plank roads, turnpike roads and macadamized roads, or parts thereof, under mortgaged sale, or sales made according to the terms of deeds of trust, to

organize as incorporated companies and prescribing their powers and duties," extending the time provided in said act for the organization of such distinct corporations by such purchasers.

Which was read a first time, and passed to a second reading.

Senate bill No. 21 was then taken up:

A bill supplemental to an act, approved March 5, 1859, entitled "An act authorizing the purchasers of railroads, plank roads, turnpike roads, and macadamized roads, or parts thereof, under mortgaged sale, or sales, made according to the terms of deeds of trust, to organize as incorporated companies, and prescribing their powers and duties," extending the time provided in said act, for the organization of such distinct corporations by such purchasers.

Which was read a first time, and referred to the Committee on Railroads.

Joint Resolution No. 2. A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence to have the interest bearing debt of the United States first paid.

Which was read a second time.

The question being on ordering said joint resolution to be engrossed,

Mr. Higgins moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

House joint resolution No. 2 was ordered to be engrossed.

Mr. Long obtained leave, and presented a petition from the ladies of Jackson county, on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Newcomb moved to pass over the election of the Trustees for the Benevolent Institutions informally.

Which was agreed to.

Mr. McFadin moved to suspend the order of business, and take up Senate bill No. 26.

Messrs. Higgins and Miller demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barritt, Belford, Bischof, Black, Blanch, Bobo, Campbell, Chambers, Corey, Crowe, Daggy, Danaldson, Douglass, Dunn, Edmonson, Ervin, Ferris, Fuller, Geisendorff, Greene, Greer, Griggs, Hays, Hopkins, Honneus, Hudson, Hungate, Inman, Kiser, Litson, Long of Jackson, Long of Kosciusko, Mason, Matthis, McFadin, McMurray, Moore, Montgomery, North, Ross, Rosser, Shanks, Shields, Shook, Shoaff, Shull, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Stackhouse, Tebbs, Thacher, Thrasher, Thomas, Van Valkenburgh, Vawter, Wason, Watson, Williams, Wilson, White, Wolfer, Wolflin, and Wright—65.

Those who voted in the negative were,

Messrs. Baker, Brucker, Crain, Evans, Foulke, Funk, Gordon, Hartman, Hamilton, Higgins, Hostetter, Hughes, Lopp, Martin, McCarthy, McClasky, McLean, Miller, Newcomb, Peelle, Prather, Ratliff, Sabin, Spencer, Stafford, Stewart, Wolfe, Woods, and Mr. Speaker—29.

So the motion prevailed.

Senate bill No. 26. A bill appropriating seventy-five thousand dollars to defray the expenses of the forty-fifth session of the General Assembly.

Was taken up.

Mr. McFadin moved that it be deemed expedient to suspend the constitutional rule requiring bills to be read on three several days, that said bill be read a second and third times now.

H. J.—9

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Baker, Barritt, Belford, Bischof, Black, Blanch, Bobo, Brucker, Campbell, Chambers, Corey, Crowe, Daggy, Danaldson, Douglass, Dunn, Edmonson, Ervin, Evans, Ferris, Fuller, Geisendorff, Greene, Greer, Griggs, Hamilton, Hays, Hopkins, Honneus, Hudson, Hughes, Hungate, Inman, Kiser, Litson, Long of Jackson, Long of Kosciusko, Martin, Mason, Matthis, McCarthy, McFadin, McLean, McMurray, Moore, Newcomb, North, Peelle, Ratliff, Ross, Rosser, Shanks, Shields, Shook, Shoaff, Shull, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Stackhouse, Stafford, Stewart, Tebbs, Thacher, Thrasher, Thomas, Van Valkenburgh, Vawter, Wason, Watson, Williams, Wilson, White, Wolfer, Wolflin, Wright—76.

Those who voted in the negative were,

Messrs. Crain, Foulke, Funk, Gordon, Hartman, Higgins, Hostetter, Lopp, McClasky, Miller, Montgomery, Prather, Sabin, Spencer, Wolfe, Woods, and Mr. Speaker—17.

So it was deemed expedient to suspend the constitutional rule, and said bill was read a second time.

Mr. Shull offered the following amendment:

Strike out the words "three dollars," and insert "two dollars," where they occur in relation to the pay of pages.

Mr. Thacher moved that the amendment be laid on the table.

Messrs. Shull and Higgins demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Bischof, Blanch, Corey, Crowe, Edmonson, Honneus, Kiser, Matthis, McFadin, Ross, and Thacher—12.

Those who voted in the negative were,

Messrs. Barritt, Black, Bobo, Brucker, Campbell, Chambers, Crain, Daggy, Danaldson, Douglass, Dunn, Ervin, Evans, Ferris, Foulke, Funk, Fuller, Geisendorff, Gordon, Greene, Greer, Griggs, Hartman, Hamilton, Hays, Higgins, Hopkins, Hostetter, Hudson, Hughes, Hungate, Inman, Litson, Long of Jackson, Long of Kosciusko, Lopp, Martin, Mason, McCarthy, McClasky, McLean, McMurray, Miller, Moore, Montgomery, Newcomb, North, Peelle, Prather, Ratliff, Rosser, Sabin, Shanks, Shields, Shook, Shoaff, Shull, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stackhouse, Stafford, Stewart, Tebbs, Thrasher, Thomas, Vawter, Wason, Watson, Williams, Wilson, White, Wolfer, Wolfin, Woods, Wright, and Mr. Speaker—80.

So the motion to lay on the table did not prevail.

The question recurring on the amendment offered by Mr. Shull.

It was agreed to.

Mr. Crain moved to refer Senate bill No. 26 to the Committee of Ways and Means.

Mr. McLean moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The bill was then referred to the Committee of Ways and Means.

Mr. Newcomb offered, as an amendment to Senate bill No. 26, the following additional section thereto:

And there is hereby appropriated for the current expenses of the Benevolent Institutions, from the first day of October, 1866, to the first day of March, 1867, the following sums, to-wit:

To the Hospital for the Insane, twenty-five thousand dollars; to the Institution for the education of the Deaf and Dumb, fifteen

thousand dollars; to the Asylum for the Blind, twelve thousand five hundred dollars.

Which was referred to the Committee on Ways and Means.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following bill of the House, to-wit:

House bill No. 3, entitled, "A bill to fix the times of holding the Courts of Common Pleas in the Eighth Judicial District in the State of Indiana, and repealing former laws on the subject, and declaring when this act shall take effect.

Mr. McLean, at twenty minutes past 4 o'clock in the afternoon, moved that the House proceed to the election of Trustees for the Benevolent Institutions.

Mr. Hughes objected—for inasmuch as the hour had passed for simultaneous action between the Senate and House, that it was incompetent for the House to proceed to said election.

The Speaker sustained the objection.

Mr. Shuey moved to take up Senate Joint Resolution No. 1, with accompanying message from the Senate.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following Joint Resolution thereof, to-wit:

Senate Joint Resolution No. 1, entitled, "A Joint Resolution ratifying certain proposed amendments to the Constitution of the United States," in which the concurrence of the House of Representatives is respectfully requested.

Joint Resolution No. 1 was taken up, and read a first time.

Which was agreed to.

Senate Joint Resolution No. 1 was read a first time, and passed to a second reading.

#### HOUSE BILLS ON THIRD READING.

House bill No. 2. A bill to amend an act entitled "An act to incorporate the Preachers' Aid Society, approved February 12, 1861, and to authorize and require said incorporation to divide and pay over, in equal shares to each Preachers' Aid Society in the several Annual Conferences, the funds of said incorporation by the 1st of January, 1868."

Was read a third time.

And the question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barritt, Belford, Black, Blanch, Bobo, Campbell, Chambers, Crain, Crowe, Daggy, Danaldson, Douglass, Dunn, Edmonson, Ervin, Evans, Ferris, Foulke, Funk, Geisendorff, Greer, Griggs, Hartman, Hamilton, Hays, Higgins, Hopkins, Honneus, Hostetter, Hudson, Hughes, Inman, Kiser, Litson, Long of Jackson, Long of Kosciusko, Martin, Mason, Matthis, McCarthy, McClasky, McLean, McMurray, Miller, Moore, Montgomery, Newcomb, North, Peelle, Prather, Ratliff, Ross, Rosser, Sabin, Shanks, Shook, Shoaff, Shull, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stackhouse, Stafford, Stewart, Thacher, Thrasher, Thomas, Van Valkenburgh, Vawter, Wason, Watson, Williams, Wilson, White, Wolfer, Wolflin, Woods, Wright, and Mr. Speaker—81.

Those who voted in the negative were,

Messrs. Fuller, Hungate, McFadin, Shields, and Wolfe—5.

So the bill passed.

The question being, shall the title as read stand as the title to said bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of said bill.

Mr. Newcomb obtained leave and introduced the following resolution:

*Resolved,* That the State Librarian be directed to cause the Hall of the House of Representatives to be ventilated in the manner in which the Senate has provided for the ventilation of the Senate Chamber, or in such other manner as will best accomplish that purpose.

Which was agreed to.

House bill No. 4. A bill to amend section 20 of an act entitled "An act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1865,

Was read a third time.

And the question being, shall said bill pass?

Those who voted in the affirmative were,

Messrs. Barritt, Belford, Black, Blanch, Bobo, Brucker, Campbell, Carter, Chambers, Crain, Crowe, Daggy, Danaldson, Dunn, Edmonson, Ervin, Evans, Ferris, Foulke, Geisendorff, Greene, Greer, Griggs, Hamilton, Hays, Hopkins, Honneus, Hostetter, Hudson, Hughes, Kiser, Litson, Long of Jackson, Long of Kosciusko, Lopp, Martin, Mason, Matthis, McCarthy, McClasky, McFadin, McLean, McMurray, Miller, Moore, Montgomery, North, Peelle, Ratliff, Ross, Rosser, Sabin, Shanks, Shook, Shoaff, Shull, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stackhouse, Stafford, Stewart, Thrasher, Thomas, Wason, Watson, Williams, Wilson, White, Wolfe, Wolfer, Wolflin, Woods, Wright, and Mr. Speaker—77.

Those who voted in the negative were,

Messrs. Fuller, Hungate, Inman, Prather, Shields, and Vawter—6.

So the bill passed.



Mr. Hughes moved to reconsider the vote just taken on House bill No. 4.

Which was not agreed to.

The title was then read.

The question being, shall the title, as read, stand as the title to the bill?

It was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

House bill No. 18. A bill to amend section 15, and to repeal sections 29 and 30 of an act regulating general elections, and prescribing duties of the officers in relation thereto, approved June 7, 1852, and prescribing further duties of the officers of elections.

Was read a third time, and,

The question being, shall said bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Barritt, Belford, Black, Bobo, Brucker, Chambers, Corey, Crain, Daggy, Danaldson, Dunn, Edmonson, Ervin, Evans, Ferris, Foulke, Funk, Fuller, Geisendorff, Gordon, Greene, Griggs, Hartman, Hamilton, Hays, Higgins, Honneus, Hostetter, Hudson, Hughes, Hungate, Kiser, Litson, Long of Jackson, Long of Kosciusko, Lopp, Martin, Mason, Matthis, McCarthy, McClasky, McLean, McMurray, Miller, Moore, Montgomery, Newcomb, North, Peelle, Prather, Ratliff, Ross, Sabin, Shields, Shook, Shoaff, Shull, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stackhouse, Stafford, Stewart, Thacher, Thrasher, Thomas, Van Valkenburgh, Vawter, Wason, Watson, Williams, Wilson, White, Wolfe, Wolfer, Wolfin, Woods, Wright, and Mr. Speaker—82.

Mr. Crowe voting in the negative.

So the bill passed.

The question being, shall the title, as read, stand as the title to said bill?

It was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

House bill No. 32 was taken up, and referred to the Committee on Congressional Apportionment.

Mr. Montgomery moved that when the House adjourn, it stand adjourned till Tuesday next at 2 o'clock.

Mr. McFadin moved to amend by making the hour 9 o'clock A. M. on Monday next.

Mr. Vawter moved to lay the motion to amend on the table.

Mr. Chambers moved that the whole subject be laid on the table.

Which was agreed to.

Mr. Greene obtained leave of absence till Tuesday next at 11 o'clock.

Mr. Dunn, by consent, introduced

House bill No. 63. -A bill to amend section 11 of an act entitled "An act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Baker obtained leave of absence until Tuesday morning next at 9 o'clock.

House bill No. 47 was taken up and read a second time, and was laid on the table.

Mr. Tebbs obtained leave of absence till Monday next at 12 o'clock.

Mr. Woods, from the Judiciary Committee, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 8. A bill to amend the 99th section of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms, in civil cases in the courts of this State; to abolish distinct forms in actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, have considered the same and instructed me to report said bill back without amendment, and recommend its passage.

Which was laid on the table.

Mr. McCarthy, from the Committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The Joint Committee on Enrolled Bills have examined House bill No. 3, and find it correctly enrolled.

The Speaker announced that he had signed enrolled House bill No. 8.

House bill No. 8. A bill to amend the 99th section of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852.

Was read a second time.

Mr. Woods offered the following amendment:

That the words "the time herein limited" in the 2d section thereof be stricken out, and the words "one year" substituted therefor.

Which amendment was adopted and the bill ordered to be engrossed.

Mr. Corey, obtained leave of absence till 2 o'clock Monday afternoon.

Message from the Governor, by Mr. Holloway, his Private Secretary.

*To the House of Representatives:*

On the 25th day of July last a party of men from Kentucky, crossed the Ohio River at Rockport, Spencer County, and kidnapped J. Y. Hampton, a citizen of Indiana, and murdered him by drowning him in the river. The atrocious character of the murder and the necessity for preserving peace and friendly intercourse between the citizens of Kentucky and Indiana by the pursuit, conviction and punishment of those who may be engaged in murderous commissions, induced me to make unusual exertions to arrest and bring to punishment the murderers of said Hampton. Two men have been arrested who are now in prison awaiting their trial for this crime, but as to their guilt or innocence, of course I express no opinion.

I have caused additional counsel to be employed to represent the State, who will see that they have a fair and impartial trial under the law, but will endeavor to bring them to punishment if guilty.

Considerable expense has already been incurred and more will be required, for which an appropriation will be necessary.

The fact will be laid before the appropriate Committee.

Respectfully,

O. P. MORTON.  
*Governor of Indiana.*

Which was laid on the table.

Mr. Hartman introduced,

House bill No. 64. A bill repealing an act entitled an act to amend section 35 of an act to provide for a general system of Common Schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved December 20, 1865.

Which was read a first time and referred to Committee on Education.

Mr. Shields introduced,

House bill No. 65, "A bill to provide for the protection of fur bearing animals, Otter, Mink, Raccoon and Muskrat, and defining the time in which the same may be taken or killed and declaring the penalty for the violation of this act and declaring an emergency."

Which was read a first time and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Mr. Prather moved to take from the table the Governor's Message.

Which was agreed to.

The Message was then referred to the Committee on Claims.

Mr. Montgomery introduced

House bill No. 66. A bill to amend sections nine and nineteen, of "an act defining felonies, and prescribing punishment therefor," approved June 10, 1852.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Woods obtained leave, and offered the following resolution:

*Resolved*, That the Committee of Ways and Means be, and hereby is instructed to consider the propriety of the passage of an act, subjecting to taxation for State and local puposes, the stock of National Banks, and other banking associations in this State, and to report by bill or otherwise.

Which was agreed to.

Mr. Peelle introduced

House bill No. 67. A bill authorizing the judges of the Circuit and Common Pleas Courts to fill vacancies in the office of Clerk of said Courts, and repealing all acts in conflict therewith.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Stewart obtained leave, and introduced

House bill No. 68. A bill to amend section 3 of an act, entitled, "An act to allow County Commissioners to organize turnpike companies, where three-fifths of the persons representing the real estate within prescribed limits petition for the same, and to levy a tax for its construction, and provide for the same to be free.

Which was referred to the Committee on Corporations.

Mr. Daggy introduced

House bill No. 69. A bill to repeal an act, entitled, "An act to allow County Commissioners to organize turnpike companies, where three-fifths of the persons representing the real estate within prescribed limits petition for the same, and to levy a tax for its construction, and provide for the same to be free.

Which was referred to the Committee on Corporations, without reading.

Mr. Ross moved that when the House adjourn, it stand adjourned till Monday next at 2 o'clock.

Which was agreed to.

Mr. Griggs, from the Committee on the Judiciary, obtained leave, and made the following report:

MR. SPEAKER:

I am authorized, by the Judiciary Committee, to report the following resolution to the House for adoption:

*Resolved*, That the Judiciary Committee be authorized to employ a clerk for said committee.

The report was concurred in, and the resolution adopted.

Mr. Wright, Chairman of the Committee on Claims, offered the following resolution:

*Resolved*, That the Committee on Claims be allowed to employ a clerk for said committee.

Which was adopted.

Mr. Stewart obtained leave, and offered the following resolution, to-wit:

*Resolved*, That in view of the additional labor imposed on the Librarian by the furnishing of stationery and stamps to the members of the House, he be allowed to employ a clerk.

Which was referred to the Committee on employees.

Mr. Thacher obtained leave, and introduced

House bill No. 70. A bill regulating docket fees of district prosecutors, and prosecuting attorneys in the courts of Common Pleas, and Circuit Courts, and regulating their fees on forfeited recognizances, and repealing all laws not consistent therewith.

Which was read a first time.

Mr. Hughes moved that House bill No. 70 be rejected.

Which was agreed to.

The Speaker announced the following special committee on House bill No. 38:

Messrs. Hartman, Geisendorff, Sabin, Smith of Lagrange, Woods, Long of Kosciusko, Kiser, Bobo, Shull, and Douglass.

Mr. Hamilton obtained leave, and introduced

House bill No. 71. A bill to amend the 19th section of an act, entitled, "An act to revise, simplify and abridge the rules, practice, pleadings, and forms in criminal actions in courts of this State," approved June 17, 1852, relative to filing informations in criminal cases.

Which was read, and referred to the Judiciary Committee.

On motion by Mr. Chambers, the House adjourned.

MONDAY AFTERNOON, 2 O'CLOCK, }  
January 21, 1867. }

The House met pursuant to adjournment.

The Speaker being absent, the House was called to order by the Clerk, and Mr. McLean was called to the Chair.

The Journal of Friday was read and approved.

Mr. Stewart moved that the vote referring House bill No. 68 to the Committee on Corporations be reconsidered, and said bill be referred to the Committee on Roads.

Which was agreed to.

Mr. Daggy moved that the amendment to said bill offered by him on a previous day, be referred to the same Committee.

Which was agreed to.

Mr. Wilson presented a petition from sundry citizens of Pike county, on the subject of a prohibitory liquor law.

Which was read and referred to the Committee on Temperance.

Mr. Wilson presented a petition from sundry citizens of Pike county, on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Daggy, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred a resolution of the House in reference to further legislation to secure an equitable assessment and taxation of property in this State, have considered the same and directed me to report the resolution back



and recommend that it be referred to the Committee on Ways and Means.

Which was concurred in.

Mr. Woods, from the Committee on Organization of Courts of Justice, made the following report: .

Mr. SPEAKER:

The Special Committee of one from each county named in the bill, to which was referred House bill No. 12, entitled "An act to constitute the Fourteenth Judicial Circuit of Indiana, to fix the time of holding the Courts in said circuit, and to repeal all laws in conflict therewith," have instructed me to report that they have had the same under consideration and do recommend its passage.

Which was concurred in.

Mr. Higgins introduced

House bill No. 72. A bill to amend an act entitled "An act to authorize the removal of convicts from the Southern State Prison to the Northern State Prison, and providing for the employment of convicts in each of said prisons; directing what counties shall send their convicts to the Northern State Prison, and providing for carrying on the work in building said Northern prison, and making appropriations for the support of said prison," approved June 1, 1861.

Which was read a first time and referred to the Joint Committee on State Prisons.

Mr. Shuey introduced

House bill No. 73. A bill to amend sections 3, 4, 5 and 6 of an act entitled "An act to regulate and license the sale of spirituous, vinous and other liquors; to prohibit the adulteration of liquors; to repeal all former laws contravening the provisions of this act, and prescribing penalties for violation of this act, and repealing all laws in conflict with this act."

Which was read a first time and referred to the Committee on Temperance.

Mr. Spencer introduced.

House bill No. 74. A bill to suppress tippling houses; to regu-

late the sale and barter of spirituous and certain malt liquors; to provide penalties for the violation of the act, and to repeal all laws inconsistent therewith.

Which was read a first time and referred to the Committee on Temperance.

Mr. Skidmore introduced

House bill No. 75. A bill districting the State for Senatorial purposes."

Which was read a first time and referred to the Special Committee on Senatorial Apportionment.

Mr. Shoaff introduced

House bill No. 76. A bill to amend section 153 of an act entitled "An act to provide for the valuation and assessment of the real and personal property, and the collection of taxes, in the State of Indiana; for the election of Township Assessors, and prescribing the duties of Assessors, Appraisers of real property, County Treasurers and Auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.

Which was read a first time, and referred to the Committee on Ways and Means.

Mr. Hamilton introduced

House bill No. 77. A bill to increase the salary of the Prosecuting Attorney of the 16th Judicial Circuit, and providing for the payment of the same.

Which was read a first time, and referred to the Committee on Fees and Salaries.

Mr. Woods introduced

House bill No. 78. A bill to provide for the closing up of the business of mutual insurance companies.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Stafford introduced

House bill No. 79. A bill to apportion the State of Indiana for congressional purposes, and defining boundaries of districts.

Which was read a first time, and referred to the Special Committee on Congressional Apportionment.

Mr. McFadin introduced

House bill No. 80. A bill to repeal an act, approved March 6, 1865, entitled "An act authorizing supervisors of roads to remove fences standing near public highways, streams and water courses, and to turn public roads and highways on water courses to the rear of buildings, where such buildings stand too near the stream to give room for said roads or highways, and assess damages for losses occasioned thereby."

Which was read a first time, and referred to the Committee on Roads.

Mr. Brucker introduced

House bill No. 81. A bill regulating the employment of persons under sixteen years of age, in cotton and woolen factories in this State.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Shook introduced

House bill No. 82. A bill to amend sections 19, 32, and 33, of an act entitled "An act regulating general elections, and prescribing the duties of officers in relation thereto," approved June 7, 1852.

Which was read a first time, and referred to the Committee on Elections.

Mr. Matthis offered the following:

*Resolved*, That Cyrus T. Nixon, Principal Clerk of the last House of Representatives, be allowed mileage and pay for the usual number of days, for organizing the House of Representatives at the present session of the General Assembly.

Which was referred to the Committee on Claims.

Mr. Hughes offered the following resolution:

*Resolved*, That the Committee on Education be and is hereby instructed to inquire into the title to the property situate in the city of Indianapolis, and commonly known as "the University Square," and into the best mode of making use of, or disposing of, the same for the public good, and to report, by bill, or otherwise, as soon as practicable.

Which was referred to the Committee on Education.

Mr. Higgins introduced the following resolution:

*Resolved*, That on the 22d day of January instant, at the hour of twelve o'clock meridian, this House will, in pursuance of an act of Congress of the United States, entitled "An act to regulate the times and manner of holding elections for Senators in Congress," approved July 25, 1866, proceed to vote for Senator in the Congress of the United States, for the term of six years, from and after the 4th day of March, 1867, in place of the Hon. Henry S. Lane, the present incumbent.

Which was adopted.

Mr. McFadin introduced

House bill No. 83. "A bill to provide for the protection of wild game, defining the time in which the same may be taken or killed and declaring the penalty for the violation of this act, repealing all laws inconsistent herewith and declaring an emergency."

Which was read a first time and passed to a second reading.

Mr. Fuller offered the following resolution:

*Resolved*, That the Committee on Education inquire into the expediency of so amending the Common School Law so as to allow the German Language to be taught in Common School districts where the citizens desire it.

Referred to Committee on Education.

Mr. Crain offered the following resolution:

*Resolved*, That John L. Miller of Tippecanoe county, be added to the Committee on Railroads.

Which was adopted.

Mr. Dunn offered the following resolution :

*Resolved*, That the Committee on Education be instructed to inquire into the practicability of introducing the German language as a branch of study in one school of each county in the State, and report its decision thereon, at the earliest possible moment to this body.

Which was agreed to.

Mr. Ross offered the following resolution :

*Resolved*, That the Committee on Corporations be instructed to inquire into the expediency of passing a law upon the subject embraced in the accompanying paper, and that they report by bill or otherwise, which said paper is in the words and figures following to-wit :

*Be it enacted by the General Assembly of the State of Ohio*, That any number of persons not less than five, may associate themselves together and become a corporation as provided in the 63d, 64th and 65th sections of the act entitled "An act to provide for the creation and regulating of incorporated companies in the State of Ohio," passed May 1, 1852, and for the purpose of raising moneys to be loaned among the members of such corporation for use in buying lots or houses or in building or repairing houses ; and such corporation shall be authorized and empowered to levy, assess and collect from its members such sums of money by rates of stated dues, fines, interest on loans advanced, and premiums bid by members for the right of precedence in taking loans as the corporation by its by-laws shall adopt, also to acquire, hold, encumber and convey, all such real estate and personal property as may be legitimately pledged to it in such loans or may otherwise be transferred to it in the due course of its business : *Provided*, That the dues, fines and premiums, so paid by members of such corporation, although paid in addition to the legal rate of interest on loans taken by them, shall not be construed to make the loans so taken usurious.

Sec. 2. All stockholders of any such association shall be deemed and held liable to an amount equal to their stock subscribed, or by them at any time held in addition to said stock for the purpose of securing the creditors of said association.

Sec. 3. This act shall be in force from its passage.

The object of this bill is to enable persons of limited means to borrow money for the purchase of homes for themselves which can be paid for in monthly instalments that will hardly exceed the amount of their rent. Such Associations have been successful in New York, Pennsylvania and New Jersey, and there is no good reason why they may not be advantageous to many localities in Ohio, especially in our cities.

The proposed plan of operations under the bill is stated to be as follows :

That every member shall pay for each share taken by him one dollar per month. If he takes five shares, they will draw on his wages only equal to a moderate rent. For each share taken he has the privilege of taking "a loan" from the association on approved security. ("A loan" is \$200.)

Thus five shares give a member \$1,000, with that he buys his house and pays \$5 monthly, with simple interest, on his loan, till all the members have been furnished with loans on similar terms. In that case the loans will equal the obligations of members, and each has his house paid for; two hundred members having on an average five shares each, furnish every month, \$1,000 to be loaned among the members.

Which was referred to the Committee on Corporations.

Mr. Wright offered the following resolution :

*Resolved*, That the Committees on Ways and Means, Claims and Public Expenditures be instructed to keep a record of their proceedings, and that said records be filed in the State Library, to be kept by the State Librarian as a part of the proceedings of this House.

• Which was agreed to.

Mr. Skidmore introduced

House bill No. 84. A bill to amend the 5th section of an act entitled "An act to provide for the more uniform mode of doing township business; prescribing the duties of certain officers in connection therewith," approved February 18, 1859.

Which was read a first time and referred to the Committee on County and Township Business.

Mr. Wolfe offered the following resolution :

*Resolved*, That the Auditor of State be requested to furnish to this House, at his earliest convenience, a statement showing,

First. The amount of tax carried on duplicates of the several counties of this State for the year 1865, under section 1 of an act entitled "An act for the relief of the families of soldiers, seamen and marines, and sick and wounded Indiana soldiers in the hospitals in the State and United States service, and of those who have died or been disabled in such service, and prescribing the duties of certain officers therein named," approved March 4, 1865.

Second. The amount collected on said duplicates in each county.

Third. The amount paid out by each county to soldiers' families and required by that act.

Fourth. The amount of such fund remaining in the county treasury of each county.

Fifth. The amount paid out of each county over and above the amount collected on duplicates of 1865, under this act.

Sixth. A statement of the enumeration and apportionment made by the Auditor of State and forwarded to the County Auditors in April or May of 1865.

Seventh. The amount paid into the State Treasury under the 4th section of an act entitled "An act repealing an act entitled an act for the relief of the families of soldiers, seamen and marines," etc., approved December 20, 1865, special session.

Eighth. The amount lost or gained by each county by virtue of sections 1 and 4 of the above last recited act.

Which was agreed to.

Mr. Spencer introduced

House bill No. 85. A bill to apportion the State of Indiana into one hundred Representation Districts.

Which was read a first time, and referred to the Select Committee of Eleven on Representative Apportionment.

Mr. Evans introduced

House bill No. 86. A bill to amend the 4th section of an act

entitled "An act touching the relation of guardian and ward," approved June 9, 1852.

Which was read a first time and referred to the Committee on Judiciary.

Mr. Wright introduced

House bill No. 87. A bill to legalize sales by Deputy Sheriffs of real estate under execution, or by order of the Circuit Court or Court of Common Pleas, and to render valid the deeds made by said deputies in pursuance of such sale.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Stackhouse offered the following resolution :

*Resolved*, That the Committee of Ways and Means be instructed to report House bill No. 60, with their action on the same, to this House, to-morrow morning at 10 o'clock.

Which was agreed to.

Mr. Wilson introduced

House bill No. 88. A bill to amend the seventh section of an act entitled "An act regulating the granting of divorces, nullification of marriages, and decrees and orders of courts incident thereto," approved May 13, 1852.

Which was read a first time, and referred to the Judiciary Committee.

Mr. Brucker offered the following resolution :

*Resolved*, That the Committee on Education be and are hereby instructed to inquire into the expediency of amending section six of an act to provide for a general system of common schools, etc., approved March 6, 1865, by transferring the power of filling vacancies in the office of Trustee, from the Auditor of the county to the Board of Trustees of such city or town where said vacancy exists, and that said committee report by bill or otherwise.

Which was agreed to.



Mr. Bobo introduced

House bill No. 89. A bill to provide for the construction of sewers within incorporated towns, defining the powers and duties of the Boards of Town Trustees in relation thereto, and to repeal all other laws in conflict therewith.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Higgins introduced

House bill No. 90. A bill to repeal an act entitled "An act providing for the redemption of real property, or any in trust, therein sold on execution, or order of sale, and providing for the issuing of certificates of purchase in such cases, and for the execution of conveyances," and repealing all laws in conflict therewith.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Daggy introduced

House bill No. 91. A bill vacating portions of highways located on county lines, in cases therein specified.

Which was read a first time, and referred to the Committee on Roads.

Mr. Evans introduced

House bill No. 92. A bill to amend section nineteen of an act entitled "An act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852.

Which was read a first time, and referred to the Committee on the Judiciary.

#### HOUSE BILLS ON SECOND READING.

House bill No. 8, was read a second time and passed to a third reading.

House bill No. 58 was read a second time and referred to the Committee on County and Township Business.

Senate Joint Resolution No. 1. A Joint Resolution accepting and ratifying certain amendments to the Constitution of the United States proposed by Congress to the Legislatures of the several States.

Was read a second time.

Mr. Honneus moved to amend Joint Resolution No. 1, by affixing the following :

*Resolved*, However, that nothing in the foregoing amendment shall be so construed as to give Congress the right to confer upon the negroes in any State the right of suffrage, that power being left wholly with the people of each State to determine for themselves.

Which was ruled to be out of order by the Speaker.

Senate Joint Resolution No. 1, passed to a third reading, and on motion by Mr. Shuey was made the special order for the day, tomorrow at 3 o'clock, P. M.

Mr. Higgins offered the following resolution :

*Resolved*, That so many of the documents accompanying the Governor's Message as refers to the State Prison North, be referred to the Committee on the State Prison North.

Which was agreed to.

Mr. Miller, by consent introduced

House bill No. 93. "A bill defining certain misdemeanors."

Which was read a first time and referred to the Committee on Railroads.

Mr. Crain by consent introduced

House bill No. 94. "A bill to apportion Senators and Representatives until otherwise provided."

Mr. Spencer offered the following resolution :

*Resolved*, That the members of this House return their thanks

to the Sons of Temperance of this City for the complimentary tickets to their festival to-morrow night, and that their invitation will be favorably considered by the members of this House.

Which was agreed to.

Mr. Shuey introduced

House bill No. 95. A bill to amend Section 1 of an act regulating foreign Insurance Companies doing business in this State; prescribing the duty of Agents thereof, and of the Auditor of State in connection therewith and providing penalties for the violation of the provisions of this act, approved December 21, 1865.

Passed to a second reading.

On motion by Mr. Ross, the House adjourned.

TUESDAY MORNING, 9 o'clock, }  
January 22, 1867. }

House met.

The journal of yesterday was read and approved.

PETITIONS, MEMORIALS, ETC.

By Mr. Smith,

A petition from sundry citizens of Indiana asking for a more stringent prohibitory liquor law.

Which was referred to the Committee on Temperance.

By Mr. Ratliff,

A petition from sundry citizens of Indiana asking for a prohibitory liquor law.

Which was read, and referred to the Committee on Temperance.

Mr. McFadin moved to change the reference of House bill No. 83 to the Judiciary Committee.

Which was agreed to.

REPORTS OF STANDING COMMITTEES.

Mr. Newcomb, from the Committee of Ways and Means, reported back Senate bill No. 26, with the following amendments:

MR. SPEAKER:

The Committee of Ways and Means, to whom was referred Senate bill No. 26, having had the same under consideration, respectfully report the same back to the House, with the following amendments, and with such amendments recommend the passage of the bill:

Strike out the third section entire, and in lieu thereof insert the following: That it shall be the duty of said Auditor to audit the

accounts and issue his warrant upon the Treasurer of State for the per diem of the officers of the Senate and House of Representatives and their assistants and appointees, including clerks and other assistants to committees, and clerks of the State Librarian, appointed by authority of either House of the General Assembly. The pay of the employes aforesaid shall be as follows: Of the Principal and Assistant Secretaries of the Senate, and their assistants, five dollars per day each; of the Principal and Assistant Clerks of the House, and their Assistants, five dollars per day each; of the Principal Doorkeepers of the House and Senate, five dollars per day each; of the assistants of said Doorkeepers, including Folding and Stationery Clerks, in either house, four dollars per day each; of the clerks employed by the State Librarian, under the authority of the Senate or House of Representatives, five dollars per day each; of the Clerk of the Committee of Ways and Means, five dollars per day, and of the clerks of other committees, when appointed by the consent of the respective houses, four dollars per day each.

Which was laid on the table.

Mr. Miller, from the Committee of Ways and Means, made the following report, to-wit:

MR. SPEAKER:

The Committee of Ways and Means, to whom was referred the petition of William Brown, Peter Kiser and others, of Allen county, praying for the repeal of an act entitled "An act to legalize the issuing of county bonds, and making appropriations and the levy and assessment for taxes in certain cases," approved March 3, 1865, would respectfully report that, inasmuch as these bonds were issued for the purpose of procuring volunteers for the army during the rebellion; and whereas many of these bonds may be now held by those who took them in good faith, and went into the service of their country, thereby relieving many drafted men who would otherwise have had to go; and as we believe the inducements then offered to those who did go and assist in putting down the rebellion, should be held inviolate; and as we believe it would be doing injustice to those who have already paid their taxes, we, therefore, recommend the refusal of the prayer of the petitioners, and ask to be discharged from further consideration of the subject.

Which was concurred in.

Mr. Sabin, from the Committee on Fees and Salaries, made the following report :

MR. SPEAKER:

The committee, to whom was referred House bill No. 11, have had the same under consideration, and recommend that it do pass.

Which was laid on the table.

#### RESOLUTIONS, BILLS, ETC.

Mr. Prather offered the following resolution :

*Resolved*, That the Committee on Elections be instructed to inquire into the expediency of reporting a bill changing the time of the office of Township Trustees of townships, towns and cities, from one to three years.

Which was referred to the Committee on Elections.

Mr. Shuey introduced

House bill No. 96. A bill authorizing the Board of Trustees of incorporated towns, to establish fire limits, and to prevent the erection of wooden buildings within such limits.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Gordon introduced

House bill No. 97. A bill to amend the second section of an act entitled "An act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Spencer introduced

House bill No. 98. A bill to amend sections 160 and 163 of an act entitled "An act to provide for a general system of common schools," approved March 6, 1865.

Which was read a first time, and referred to the Committee on Education.

Mr. White introduced

House bill No. 99. A bill to empower the Board of County Commissioners of the several counties of this State to convey cemeteries to cities and incorporated towns.

Which was read a first time, and referred to the Committee on County and Township Business.

Mr. Crowe introduced

House bill No. 100. A bill districting the State of Indiana for Senatorial purposes.

Which was read a first time, and referred to the Special Committee on Legislative Apportionment.

Mr. Newcomb introduced

House bill No. 101. A bill to amend the act entitled "An act authorizing the construction of plank, macadamized and gravel roads, and to empower the same to make sale of a portion of their roads," approved February 28, 1855.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Bird introduced

House bill No. 102. A bill to amend section first of an act entitled "An act to amend section thirty-five of an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved December 20, 1865.

Which was read a first time, and referred to the Committee on Education.

Mr. McLean introduced

House bill No. 103. A bill regulating Insurance Companies doing business in the State of Indiana; prescribing the duties of the agents and officers thereof, and of the Auditor of State in con-

nection therewith, and providing penalties for the violation of the provisions of this act.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Greene introduced

House bill No. 104. A bill to amend section 35 of "An act repealing all general laws now in force for the incorporation of cities; prescribing their powers, rights and duties, and the manner in which they shall exercise the same and regulating other matters properly connected therewith, and repealing certain acts therein specified," approved December 20, 1865.

Which was read a first time and referred to the Committee on Corporations.

Mr. Moore offered the following resolution:

*Resolved*, That the Committee on Organization of Courts of Justice be allowed a clerk.

Which was adopted.

Mr. Hamilton introduced

House bill No. 105. A bill defining the crime of conspiracy, and prescribing the punishment therefor; and repealing an act entitled "An act defining what shall constitute certain felonies, and fixing the penalties therefor," approved May 31, 1861.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. McLean offered the following resolution:

*Resolved*, That the Committee on Education be authorized to employ a clerk.

Which was concurred in.

Mr. Ratliff introduced

House bill No. 106. A bill to amend section 7 of an act entitled "An act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855.

Which was read a first time and referred to the Committee on Fees and Salaries.



Mr. Van Valkenburgh introduced

House bill No. 107. A bill to amend section 31 of an act entitled "An act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Watson introduced

House bill No. 108. A bill requiring Clerks of the Circuit Courts and Courts of Common Pleas to make indexes in certain record books of their respective offices, and providing compensation therefor.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Sabin, by consent, presented the following report:

MR. SPEAKER:

The Committee to whom was referred House bill No. 77, have had the same under consideration, and beg leave to report the same back, and recommend that it be committed to the Committee on the Judiciary.

Mr. Daggy introduced

House bill No. 109. A bill to amend section 37 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Peelle offered the following resolution:

*Resolved*, That a committee of three be appointed to inquire into the charge of bribery and corruption contained in the Daily Cincinnati *Gazette* of January 15, 1867, against the officers and attachees of this House.

To which Mr. Thomas offered the following amendment:

Amend by adding the following: "That such committee first ascertain the name of the correspondent who sent the dispatch to the *Gazette*, and examine him under oath, and unless he can give some more definite information than is contained in said dispatch concerning said corrupt influences, the further investigation be abandoned."

Which said amendment was accepted, and the resolution concurred in.

On motion by Mr. Newcomb, the House resolved itself into committee of the whole, on the Governor's Message, Mr. Higgins in the chair.

After spending some time in the consideration of the Message, the committee arose, and, through Mr. Higgins, made the following report:

MR. SPEAKER:

The committee of the whole House, to whom was referred the Governor's Message, have had the same under consideration, and direct me to make the following report:

That the several subjects discussed in the Message of His Excellency the Governor, be referred to the committees following, to-wit:

The Public Debt and State Debt Sinking Fund, to the Committee of Ways and Means.

The Sinking Fund and Sinking Fund Investigation, to the Committee on the Sinking Fund.

The Adjutant General's and Paymaster General's Report, Military Agencies, Soldiers' and Seamen's Home, and Soldiers' Orphans, and Cemeteries and Monuments, to the Committee on Military Affairs.

Benevolent Institutions and House of Refuge for Juvenile Offenders, to the Committee on Scientific and Benevolent Institutions.

Registry Law, to the Committee on the Judiciary.

The Northern State Prison, to the Committee on the State Prison South.

Emigration, to the select committee heretofore appointed on that subject.

Agricultural College, to the Select Committee heretofore appointed on that subject.

The Thirteenth Article of the Constitution, to the Committee on the Judiciary.

National Debt and Currency, to the joint select committee on that subject.

Reconstruction and Constitutional Amendment, to the Committee on Federal Relations.

Schools and the Education of Colored Children, to the Committee on Education.

Enumeration and Apportionment, to the select committee of eleven on Legislative Apportionment.

Supreme Court, to the Committee on Public Expenditures.

To which Mr. Shuey offered the following amendment, to-wit:

“So much as refers to Reform Schools be referred to special committee.”

Which amendment was accepted, and report concurred in.

The Speaker announced the following special committee under Mr. Peelle's resolution to investigate the charge made in the Cincinnati Gazette of an attempt at bribery:

Messrs. Campbell, Prather and Lopp.

Mr. Chambers introduced

House bill No. 110. A bill apportioning the State into Congressional Districts.

Which was read a first time, and referred to the Committee on Congressional Apportionment.

Mr. Peelle introduced

House bill No. 111. A bill limiting the liability of inn keepers.

Which was read a first time, and referred to the Committee on Rights and Privileges, &c.

Mr. White introduced

House bill No. 112. A bill to amend section one hundred and three (103) of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions, in the courts of this State," approved June 17, 1852.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Belford introduced

House bill No. 113. A bill to amend the 68th section of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions, in the courts in this State."

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Chambers, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

I am instructed, by the Committee on Engrossed Bills, to report that, after a careful comparison of engrossed House joint resolution No. 2, with the original, that we find the same to be correctly and accurately engrossed.

### ORDERS OF THE DAY.

House joint resolution No. 2, instructing our Senators and Representatives in Congress to use their influence to have the interest bearing debt of the United States first paid.

Was read a third time, when

Mr. Miller moved that said joint resolution No. 2, be the special order of the day for Tuesday next, at 2 o'clock P. M.

Which was agreed to.

Mr. Newcomb, from the Committee of Ways and Means, made the following report:

MR. SPEAKER:

The Committee of Ways and Means, to whom was referred House bill No. 60, have had the same under consideration, and have directed me to report the same back, with the recommendation that it be laid on the table.

The school law makes it the duty of the Superintendent of Public Instruction to distribute his report among the several counties, and clearly gives him the right to contract for such distribution, and it would seem to authorize him to draw on the township library fund for the expense thereof; but if a direct appropriation is needed for that purpose, the Committee are of the opinion that the preferable course will be to incorporate the same in the general appropriation bill.

Which was concurred in.

SPECIAL ORDER FOR THE DAY.

At 12 o'clock meridian, pursuant to the resolution of yesterday, and an act of Congress on that subject, the House proceeded,

On motion by Mr. Higgins, to vote by *viva voce* vote for United States Senator.

Mr. Newcomb moved a call of the House.

Which was agreed to.

The Clerk proceeded with the call, when the following members answered to their names:

Messrs. Baker, Barritt, Belford, Bird, Bischof, Black, Blanch, Bobo, Brucker, Campbell, Chambers, Corey, Crain, Crowe, Daggy, Danaldson, Douglass, Dunn, Edmonson, Ervin, Evans, Ferris, Foulke, Funk, Fuller, Geisendorff, Gordon, Greene, Greer, Griggs, Hartman, Hamilton, Hays, Higgins, Hopkins, Honneus, Hostetter, Hudson, Hughes, Hungate, Inman, Kiser, Litson, Long of Kosciusko, Lopp, Martin, Mason, Matthis, McCarthy, McClasky, McFadin, McLean, McMurray, Miller, Moore, Morrison, Montgomery, Newcomb, North, Peelle, Prather, Ratliff, Rosser, Ross, Sabin, Shanks, Shields, Shook, Shoaff, Shull, Shuey, Skidmore,

Smith of Lagrange, Smith of Wabash, Spencer, Stackhouse, Stafford, Stewart, Tebbs, Thacher, Thrasher, Thomas, Van Valkenburgh, Vawter, Wason, Watson, Williams, Wilson, White, Wolfe, Wolfer, Wolflin, Woods, Wright, and Mr. Speaker—95.

On motion, the further call was dispensed with.

Mr. Wolfe moved that the House do now adjourn.

Which was not agreed to.

Mr. Higgins moved that the House proceed instanter to the election of United States Senator.

Which was agreed to.

Mr. Newcomb nominated Oliver P. Morton.

Mr. Hays nominated Daniel W. Voorhees.

Those who voted for Oliver P. Morton were,

Messrs. Belford, Bischof, Blanch, Brucker, Campbell, Chambers, Crain, Daggy, Danaldson, Dunn, Ervin, Evans, Ferris, Foulke, Funk, Geisendorff, Gordon, Greer, Griggs, Hartman, Hamilton, Higgins, Hopkins, Hudson, Hughes, Litson, Long of Kosciusko, Martin, Mason, McCarthy, McClasky, McLean, McMurray, Miller, Moore, Newcomb, North, Peelle, Prather, Ratliff, Rosser, Sabin, Shook, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stafford, Stewart, Thrasher, Thomas, Wason, Watson, Wilson, Wolfer, Wolflin, Woods, Wright, and Mr. Speaker—60.

Those who voted for Daniel W. Voorhees were,

Messrs. Baker, Barritt, Bird, Black, Bobo, Corey, Crowe, Douglass, Edmonson, Fuller, Greene, Hays, Honneus, Hungate, Inman, Kiser, Lopp, Matthis, McFadin, Morrison, Montgomery, Ross, Shanks, Shields, Shoaff, Shull, Tebbs, Thacher, Van Valkenburgh, Vawter, Williams, White, and Wolfe—33.

Mr. Stackhouse voting blank.

Oliver P. Morton having received a majority of all the votes of the members of the House of Representatives, was duly elected United States Senator, on the part of the House.

Mr. Woods was granted leave of absence for one week.

On motion of Mr. Shuey, the House adjourned till 2 o'clock P. M.

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TWO O'CLOCK P. M.

The House met.

The Speaker called for bills on their third reading.

On motion by Mr. Shuey, the order of business was suspended.

Mr. Miller introduced

House bill No. 114. "A bill authorizing the assessment of all the lands within one and one half miles on either side or within one and one half miles of the terminus of any plank, macadamized or gravel road, organized under and pursuant to an act of the General Assembly of the State of Indiana, entitled 'an act authorizing the construction of plank, macadamized and gravel roads,' approved May 12, 1852, when the subscription to such road amounts to at least eight hundred dollars per mile and is not sufficient for the completion of the same and the collection of such assessment, provided the lands are situated within the county where such road is located."

Was read a first time and passed to a second reading.

#### BILLS ON SECOND READING.

House bill No. 12. A bill to constitute the Fourteenth Judicial

Circuit of Indiana, to fix the times of holding the courts in said circuit, and to repeal all laws in conflict therewith.

Was taken up and read a second time, and ordered to be engrossed.

Mr. Prather obtained consent of the House, and introduced House bill No. 115. A bill for the establishment of reform schools in the State of Indiana.

Which was read a first time, and referred to the Select Committee on House of Refuge for Juvenile Offenders.

House bill No. 95. A bill to amend section one of "An act regulating foreign insurance companies doing business in the State, prescribing the duty of agents thereof, and of the Auditor of State in connection therewith, and providing penalties for the violation of the provisions of this act."

Was taken up, read a second time, and

On motion of Mr. Woods, referred to the Committee on the Judiciary.

Mr. Shuey moved to reconsider the vote making Senate joint resolution No. 1, the special order of the day for 3 o'clock, and make it the special order for fifteen minutes past 2 o'clock this p. m.

Which was agreed to.

#### SPECIAL ORDER FOR THE DAY.

Senate joint resolution No. 1 was taken up and read a third time.

Message from the Senate, by Mr. Wilson, its Secretary, to-wit:

MR. SPEAKER:

I am directed by the Senate, to inform the House of Representatives that, in obedience to the law of our National Congress, providing for the election of United States Senators on the second Tuesday after the commencement of the session of each Legislature, the Senate proceeded to said election, this day, at 3 o'clock, under special order for such purpose, with the following result:



For Oliver P. Morton, twenty-eight votes were cast.

For Daniel W. Voorhees, nineteen votes were cast.

For Henry S. Lane, two votes were cast.

And that Oliver P. Morton received a majority of all the votes cast by the Senate.

Mr. Newcomb moved to take up the following message from the Senate.

Which was agreed to.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate, to inform the House that the Senate has passed the following concurrent resolution thereof, to-wit:

*Resolved*, (the House concurring,) That the Senate and House of Representatives will meet in Joint Convention, in the hall of the House of Representatives, on to-morrow, the 23d instant, at 12 o'clock m., for the purpose of comparing the separate action this day taken by the Senate and House of Representatives, respectively, in relation to the election of a Senator in Congress, to succeed the Hon. Henry S. Lane, upon the expiration of his term of service, and also for the purpose of taking such action as that comparison, and the provisions of the act of Congress in such cases made and provided, may render necessary.

Mr. Newcomb moved that the Senate be invited into the House, on to-morrow, at 12 o'clock m., for the purpose of comparing the vote of the two Houses, in the election of United States Senator.

Which was agreed to.

Mr. Shuey moved that Senate joint resolution No. 1, be postponed until to-morrow afternoon, at 2 o'clock, and made the special order for that hour.

Which was agreed to.

On motion by Mr. Vawter, the House adjourned.

WEDNESDAY MORNING, 9 o'clock, }  
January 23, 1867. }

The House met.

Mr. Prather moved to suspend the reading of the journal, excepting that part which relates to the election of United States Senator.

Which was concurred in.

The journal was then approved.

Mr. Scammahorn obtained leave to record his vote for United States Senator as of yesterday, for Oliver P. Morton.

Mr. Carter obtained leave to record his vote for United States Senator as of yesterday, for Daniel W. Voorhees.

Mr. Funk was granted leave of absence, on account of sickness in his family.

#### PETITIONS, MEMORIALS, ETC.

By Mr. Ferris,

A petition from citizens of St. Joseph county, asking an appropriation to Mr. Green, Treasurer of said county, on account of loss by theft, &c.

Which was referred to the Committee on Claims.

#### REPORTS FROM COMMITTEES.

Mr. Peelle, from the Committee on Organization of Courts of Justice, made the following report:

MR. SPEAKER:

The Committee, to whom was referred House bill No. 51. A bill defining what shall constitute the Seventh Judicial District, and fixing the holding of courts therein, have had the same under

consideration, and direct me to report the same back to the House, and recommend its passage.

Which was laid on the table.

Mr. Moore, from the Committee on Organization of Courts of Justice, made the following report:

MR. SPEAKER:

The Committee on Organization of Courts of Justice, to whom was referred House bill No. 49. A bill creating the Fourteenth Judicial Circuit, and fixing the times of holding courts therein, have had the same under consideration, and have instructed me to report in favor of its passage.

Which was laid on the table.

Mr. Dunn, from the Committee on Organization of Courts, made the following report:

MR. SPEAKER:

The Committee on Organization of Courts, to whom was referred House bill No. 50—a bill defining what counties shall constitute the Thirteenth Judicial Circuit, and fixing the times of holding courts therein—have had the same under consideration, and have directed me to report the same back without amendment, and recommend its passage.

Which was laid on the table.

Mr. Montgomery, from the Committee on Organization of Courts of Justice, made the following report:

MR. SPEAKER:

The Committee on Organization of Courts of Justice, to whom was referred House bill No. 53—a bill to fix the time of holding the Court of Common Pleas in the county of Grant, and repealing all laws in conflict therewith—have had the same under consideration, and do hereby respectfully recommend the passage thereof.

Which was laid on the table.

Mr. Higgins, from the Special Joint Committee on the State Prisons, made the following report:

MR. SPEAKER:

The Joint Committee, consisting of the standing committees, on the two State Prisons, to whom was referred House bill No. 72, have had the same under consideration, and have unanimously instructed me to report the bill back, and recommend its passage.

Which was laid on the table.

The Speaker was granted leave of absence, on account of sickness of family.

Mr. Higgins was called to the chair.

Mr. Sabin, from the Committee on Fees and Salaries, made the following report:

MR. SPEAKER:

The Committee, to whom House bill No. 77 was committed, has had the same under consideration, and beg leave to report the same back and recommend that it be committed to the Committee on the Judiciary.

Which was concurred in.

Mr. Miller, from the Committee on Railroads, made the following report:

MR. SPEAKER:

The Committee, to whom was referred House bill No. 93—a bill preventing the locking or fastening of railroad cars containing passengers—have had the same under consideration, and direct me to return the bill to the House, and recommend its passage.

Which was laid on the table.

Mr. Mason, from the Committee on County and Township Business, made the following report:

MR. SPEAKER:

The Committee, to whom was referred House bill No. 84, have had the same under consideration, and direct me to report the same back to the House, and recommend its passage.

Laid on the table.

Mr. Corey obtained leave, and presented a petition from the committee of the Franklin County Agricultural Society.

Which was read and referred to the Committee on Agriculture.

Mr. Hartman, from the Committee on Railroads, made the following report:

MR. SPEAKER:

The Committee on Railroads, to whom was referred Senate bill No 21, entitled an act supplemental to an act, approved March 5, 1859, have had the same under consideration, and have instructed me to report said bill back and recommend its passage.

Which was laid on the table.

#### INTRODUCTION OF BILLS, RESOLUTIONS, ETC.

Mr. McFadin offered the following resolution:

*Resolved*, That the Committee on Agriculture be instructed to inquire into, and report to this House, the propriety of passing a law authorizing and empowering County Commissioners to make appropriations out of the county funds, for the purchase of suitable grounds, to be held and owned by the agricultural societies of each county, for the use and purpose of holding the annual county fairs therein.

Which was agreed to.

Mr. Peelle introduced

House bill No. 116. A bill in relation to joint stock insurance companies, organized under the laws of Indiana.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Lopp offered the following resolution :

*Resolved*, That all those having claims against the State, be requested to present them at their earliest convenience.

Which was adopted.

Mr. Griggs introduced

House bill No. 117. A bill to amend the fifth section of an act entitled "An act regulating estrays and articles adrift," approved June 16, 1852.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Wolfer offered the following resolution :

*Resolved*, That the Committee on Ways and Means be instructed to inquire into the propriety of further extending the time to correct the assessment of taxes on real estate, so that the same may be corrected at any time, by making application to the commissioners of the proper county, before the taxes are paid.

Which was agreed to.

Mr. Chambers presented the following resolution :

*Resolved*, That the Speaker appoint a committee of five, to report a bill reorganizing the State for Representative and Senatorial purposes; said bill to be prepared without regard to the political character of the counties, looking only to population and location, in cases where two or more counties are to be joined in representation.

Mr. Newcomb moved to refer said resolution to the Special Committee on Legislative Apportionment heretofore appointed.

Mr. Miller moved to lay the whole subject on the table.

Messrs. Baker and White demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Belford, Bischof, Blanch, Brucker, Daggy, Dunn, Evans, Ferris, Foulke, Geisendorff, Gordon, Greer, Griggs, Hamilton, Hig-

gins, Hopkins, Hughes, Litson, Martin, Mason, McCarthy, McClasky, McLean, McMurray, Miller, Moore, Newcomb, North, Peelle, Prather, Ratliff, Rosser, Sabin, Shook, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stafford, Stewart, Thrasher, Thomas, Wason, Watson, Wilson, Wolfer, Woods, and Wright—49.

Those who voted in the negative were,

Messrs. Baker, Barritt, Bird, Black, Bobo, Carter, Chambers, Corey, Crowe, Douglass, Edmonson, Ervin, Fuller, Greene, Honneus, Hostetter, Hudson, Hungate, Inman, Kiser, Lopp, Matthis, McFadin, Morrison, Montgomery, Ross, Scammahorn, Shanks, Shields, Shoaff, Shull, Stackhouse, Tebbs, Thacher, Van Valkenburgh, Vawter, Williams, White, and Wolfe—39.

So it was laid on the table.

Leave was granted to the Committee on the Judiciary to sit during the session of the House to-day.

Mr. Newcomb introduced

House bill No. 118. A bill prescribing and regulating the fees of Sheriffs, and repealing all former laws in relation thereto.

Which was read a first time, and referred to the Committee of Ways and Means.

Mr. White introduced

House bill No. 119. A bill to amend Section 76 of an act entitled "An act to simplify and abridge the rules, practice, pleadings and forms in criminal actions, in the courts of this State."

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Vawter introduced

House bill No. 120. A bill for the protection of the ballot box, and to make illegal voting a felony.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Bischof introduced

House bill No. 121. A bill providing for the incorporation of electric telegraph companies.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Griggs introduced

House bill No. 122. A bill to amend the 468th section of an act, entitled, "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Williams introduced

House bill No. 123. A bill repealing an act entitled "An act to discourage the keeping of useless and sheep-killing dogs, and providing penalties for the violation of any of the provisions of said act by officers and others, and also repealing an act to license dogs," approved March 11, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled "An act for the protection of sheep," approved June 15, 1852, approved March 2, 1865.

Which was read a first time, and referred to the Committee on Agriculture.

Mr. Hamilton introduced

House bill No. 124. A bill requiring convicts who are sentenced to confinement in the county jail, to be sentenced to hard labor therein.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Mason introduced

House bill No. 125. A bill for the relief of Daniel A. Bynum, Treasurer of Greene county, in the State of Indiana.

Which was read a first time, and referred to the Committee on the Judiciary.



Mr. Thacher moved to suspend the order of business, and take up Senate bill No. 26. A bill appropriating seventy-five thousand dollars to defray the expenses of the forty-fifth session of the General Assembly.

Which was agreed to.

The following report, with sundry amendments, from the Committee on Ways and Means, to whom said bill was referred, heretofore submitted, was read:

MR. SPEAKER:

The Committee on Ways and Means, to whom was referred Senate bill No. 26, having had the same under consideration, respectfully report the same back to the House with the following amendments, and with such amendments recommend the passage of the bill:

Strike out the 3d section entire, and in lieu thereof, insert the following:

That it shall be the duty of said Auditor to audit the accounts, and issue his warrant upon the Treasurer of State for the per diem of the officers of the Senate and House of Representatives, and their assistants and appointees, including clerks and other assistants to committees, and clerks of the State Librarian, appointed by authority of either House of the General Assembly.

The pay of the employees aforesaid, shall be as follows:

Of the Principal and Assistant Secretaries of the Senate and their assistants, five dollars per day, each.

Of the Principal and Assistant Clerks of the House and their assistants, five dollars per day, each.

Of the Principal Doorkeeper of the Senate, and the Principal Doorkeeper of the House, five dollars per day, each.

Of the assistants of said Doorkeepers, including folding and stationery clerks in either House, four dollars per day, each.

Of the clerks employed by the State Librarian, under the authority of the Senate or House of Representatives, five dollars per day, each.

Of the clerk of the Committee of Ways and Means, five dollars per day; and of the clerks of the other committees, when appointed

by the consent of the respective Houses, four dollars per day, each, for the time actually employed. Which time shall be certified to the presiding officers, of the respective Houses, by the chairman of each committee employing a clerk.

Of other employees of committees, when employed by authority of either House, four dollars per day, for each day actually employed, to be certified in the manner above provided, in case of clerks of committees.

Of pages of the respective Houses, two dollars per day, each.

Of the clerk of the President of the Senate, and of the Clerk of the Speaker of the House, five dollars per day, each.

And the committee recommend the adoption of the following additional section to said bill:

SEC. 4. There is hereby appropriated to defray the current expenses of the Benevolent Institutions, to the 31st day of March, 1867, the sums following, to-wit:

Hospital for the Insane, from the first day of January, 1867, fifteen thousand dollars.

Asylum for the Blind, from the 31st day of October, 1866, twelve thousand and five hundred dollars.

Institute for the Deaf and Dumb, from the 31st day of October, 1866, twelve thousand and five hundred dollars.

And they further recommend that the 4th section of the bill be amended, by changing the number of Section "four" to number "five," and by striking out the word "purpose" in the second line thereof, and inserting the word "purposes," and to amend the title of the bill, by adding thereto the following:

"And appropriating the sum of forty thousand dollars, to defray the current expenses of the Hospital for the Insane, the Asylum for the Blind, and the Institute for the education of the Deaf and Dumb, to the 31st day of March, 1867.

Which report was concurred in, and the amendments therein proposed, were agreed to.

Senate bill No. 26 as amended, was then read a third time, and the question being, shall said bill pass?

Those who voted in the affirmative were,

Messrs. Barritt, Bischof, Black, Blanch, Brucker, Carter, Chambers, Corey, Danaldson, Douglass, Dunn, Edmonson, Ervin, Evans, Ferris, Foulke, Fuller, Geisendorff, Greene, Greer, Hartman, Hamilton, Higgins, Hopkins, Honneus, Hudson, Inman, Kiser, Litson, Martin, Mason, Matthis, McCarthy, McClasky, McMurray, Miller, Moore, Morrison, Montgomery, Newcomb, North, Peelle, Ratliff, Rosser, Sabin, Scammahorn, Shook, Shoaff, Shull, Shuey, Skidmore, Stafford, Stewart, Tebbs, Thacher, Thrasher, Thomas, Van Valkenburgh, Vawter, Wason, Watson, Williams, Wolfer, and Wright—65.

Those who voted in the negative were,

Messrs. Bird, Crowe, Gordon, Hays, Hostetter, Hungate, Lopp, Prather, Shanks, Shields, Smith of Wabash, Spencer, Stackhouse, Wilson, White, and Wolfe—16.

So the bill passed.

The title was read and amended, as recommended by the Committee, and, so amended, passed.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

Mr. Crain obtained leave of absence until Monday morning next, at 10 o'clock.

#### ORDERS OF THE DAY.

On motion by Mr. Miller,

House bill No. 114 was taken up. A bill authorizing the assessment of all lands within one and one-half miles on either side, or within one and one-half miles of the terminus of any plank, macadamized, or gravel road organization, under and pursuant to an act of the General Assembly of the State of Indiana, entitled "An act authorizing the construction of plank, macadamized and gravel roads," approved May 12, 1852, when the subscription to such road amounts to at least eight hundred dollars per mile, and is not suffi-

cient for the completion of the same and the collection of such assessment; Provided, the lands are situated within the county where such road is located.

Which was read a second time, and referred to the Committee on Roads.

On motion by Mr. Miller,

Senate bill No. 17. A bill to amend the title of "An act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain," approved June 15, 1852.

Was taken up, read a first time, and passed to a second reading.

House bill No. 11. A bill amending section 10 of "An act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855.

Was read a second time, and ordered to be engrossed.

#### BILLS ON THIRD READING.

House bill No. 8. A bill to amend the ninety-ninth section of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Barritt, Belford, Bird, Bischof, Black, Blanch, Bobo, Brucker, Carter, Chambers, Crowe, Daggy, Danaldson, Douglass, Dunn, Edmonson, Ervin, Evans, Ferris, Foulke, Fuller, Geisendorff, Gordon, Greene, Greer, Griggs, Hartman, Hamilton, Hays, Higgins, Hopkins, Honneus, Hostetter, Hudson, Hughes, Hungate, Inman, Kiser, Litson, Long of Kosciusko, Martin, Ma-

son, Matthis, McCarthy, McClasky, McFadin, McMurray, Miller, Moore, Montgomery, North, Newcomb, Peelle, Prather, Ratliff, Ross, Rosser, Sabin, Scammahorn, Shanks, Shook, Shoaff, Shull, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stackhouse, Stafford, Stewart, Tebbs, Thacher, Thrasher, Thomas, Van Valkenburgh, Vawter, Wason, Watson, Williams, Wilson, White, Wolfe, Wolfer, Woods, and Wright—87.

No one voting in the negative.

So the bill passed.

The title was then read, and the question being, shall the title, as read, stand as the title to said bill?

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

Message from the Senate by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the President of the Senate has signed enrolled act No. 3, of the House of Representatives, entitled an act to fix the times of holding the Courts of Common Pleas in the Eighth Judicial District of the State of Indiana, and repealing former laws on the subject, and declaring when this act shall take effect.

Mr. Chambers, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

I am instructed by the Committee on Engrossed Bills, to report that, after a careful examination of engrossed House bill No. 12, and a comparison with the original, the Committee find the same correctly engrossed.

Mr. Greer obtained leave of absence until to-morrow morning, at 10 o'clock.

Mr. Baker asked leave to record his vote on the passage of Senate bill No. 26, in the negative.

Which was granted.

Mr. Litson offered the following resolution:

*Resolved*, That the Committee on Military Affairs be authorized to employ a clerk for so long a time as said Committee shall deem necessary.

Which was agreed to.

Mr. Kiser obtained leave and offered the following resolution:

*Resolved*, That the pay per diem to which the clerks of the different committees are entitled, shall cease as soon as the work referred to them has been accomplished.

Which was not agreed to.

House bill No. 12. A bill to constitute the Fourteenth Judicial Circuit of Indiana, to fix the time of holding the courts in said circuit, and to repeal all laws in conflict therewith.

Was taken up and referred to the Special Committee of one from each Judicial Circuit on Districting the State for Judicial Purposes.

Mr. McLean obtained leave of absence for this week.

Mr. Daggy, by consent, offered the following resolution:

*Resolved*, That a Special Committee of one from each Judicial District of this State, be appointed, whose duty it shall be to inquire into the expediency and necessity of re-districting the State of Indiana into Judicial Circuits, so that the same may be more nearly equalized in size and time necessarily occupied by Judges thereof, in holding their courts, and also the expediency of increasing the number of circuits in said State, and that all petitions, resolutions and bills on said subject be referred to said Committee, and that they report by bill or otherwise.

Which was agreed to.

## SPECIAL ORDER OF THE DAY.

Mr. Miller, by consent, offered the following resolution:

*Resolved*, That the Senate be invited to repair to the Hall of the House of Representatives, instantler, for the purpose of comparing the votes cast by the two Houses, on yesterday, for United States Senator, and for taking such other proceedings as are prescribed by law in relation thereto.

Mr. Miller moved that seats be provided for the Senate, on the right of the Speaker.

Which was concurred in.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has accepted the invitation of, and is now ready to meet the House of Representatives in Joint Convention, to compare the vote cast for United States Senator, on the 22d day of January, A. D. 1867, by this 45th session of the General Assembly.

## JOINT CONVENTION.

The hour of twelve o'clock M., having arrived, the Senate came into the Hall of the House of Representatives, and were seated on the right of the Speaker.

Hon Conrad Baker, President of the Senate, took the Chair, and called the Joint Convention to order.

The journals of the Senate and of the House of Representatives were read to the Joint Convention, so far as the same had reference to the vote of the separate Houses, had on yesterday, for the Senator in Congress.

Gov. O. P. Morton had received, in the Senate, twenty-eight votes; in the House of Representatives, sixty votes.

The whole number of votes given in the two Houses for Gov. O. P. Morton, eighty-eight.

That Daniel W. Voorhees had received for that office, in the Senate, nineteen votes; in the House of Representatives, thirty-three votes.

The whole number of votes given in the two Houses for Hon. Daniel W. Voorhees was fifty-two.

That Hon. Henry S. Lane had received, for that office, in the Senate, two votes.

The Joint Convention thereupon declared that Gov. O. P. Morton, having received a majority of all the votes cast in both Houses of the General Assembly of the State of Indiana, was duly elected Senator in Congress of the United States, from said State of Indiana, for the term of six years, from and after the 4th day of March, A. D. 1867.

The Joint Convention then adjourned *sine die*, and the Senate retired to its chamber.

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TWO O'CLOCK P. M.

The House met.

On motion by Mr. Miller, Mr. Higgins was called to the chair.

Mr. Hartman, from the Committee on Mileage, obtained leave and made the following report:

MR. SPEAKER:

The Committee on Mileage and Accounts request me to make



the following report, as the mileage due each member of the House of Representatives, with the exception of Mr. Newland, who has not yet been sworn into office, viz:

Baker, 240; Barritt, 120; Belford, 312; Bird, 350; Bischof, 364; Black, 96; Blanch, 100; Bobo, 376; Brucker, 476; Campbell, 50; Carter, 200; Chambers, 112; Corey, 252; Crain, 150; Crowe, 186; Daggy, 81. Danaldson, 208; Douglass, 400; Dunn, 236; Edmonson, 300; Ervin, 122; Evans, 170; Ferris, 378; Foulke, 142; Funk, 384; Fuller, 388; Geisendorff, 502. Gordon, 76; Greene, 200; Greer, 120; Griggs, 120; Hartman, 544; Hays, 130; Higgins, 312; Hopkins, 364; Honneus, 250; Hostetter, 280; Hudson, 196; Hughes, 160; Hungate, 186; Inman, 284; Kiser, 280; Litson, 172; Long of Jackson, 142; Long of Kosciusko, 410; Lopp, 320; Martin, 151; Mason, 240; Matthis, 266; McCarthy, 300; McClasky, 164; McFadin, 160; McLean, 150; McMurray, 80; Miller, 134; Moore, 96; Morrison, 106; Montgomery, 54; North, 210; O'Neil, 200; Peelle, 130; Prather, 126; Ratliff, 224; Ross, 144; Rosser, 148; Sabin, 554; Scammahorn, 468; Shanks, 288; Shields, 186; Shook, 170; Shoaff, 326; Shull, 340; Shuey, 424; Skidmore, 200; Smith of Lagrange, 510; Smith of Wabash, 174; Spencer, 186; Stackhouse, 250; Stafford, 44; Stewart, 92; Tebbs, 214; Thacher, 54; Thrasher, 150; Thomas, 40; Van Valkenburgh, 400; Vawter, 40; Wason, 342; Watson, 144; Williams, 132; Wilson, 370; White, 50; Wolfe, 236; Wolfer, 230; Wolflin, 480; Woods, 444; Wright, 226; Mr. Speaker, 168.

Which, on motion, was concurred in.

A message from the Governor, by Mr. Holloway, his Private Secretary:

MR. SPEAKER:

I am directed by His Excellency, the Governor, to inform the House that he has signed and approved House bill No. 3—an act to fix the times of holding the Courts of Common Pleas in the Eighth Judicial District of the State of Indiana, and repealing former laws on the subject, and declaring when this act shall take effect—and has caused a copy of the same to be filed in the office of the Secretary of State.

## SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of Senate joint resolution No. 1—a joint resolution accepting and ratifying certain amendments to the Constitution of the United States, proposed by Congress to the Legislatures of the several States.

The same was taken up.

The question being, shall said Senate joint resolution No. 1, pass?

Mr. Shuey moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

Those who voted in the affirmative were,

Messrs. Belford, Bischof, Blanch, Brucker, Chambers, Daggy, Danaldson, Dunn, Ervin, Evans, Ferris, Foulke, Geisendorff, Gordon, Griggs, Hartman, Hamilton, Higgins, Hopkins, Hudson, Hughes, Litson, Long of Kosciusko, Martin, Mason, McCarthy, McClasky, McMurray, Miller, Moore, Newcomb, North, Peelle, Prather, Ratliff, Rosser, Sabin, Scammahorn, Shook, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stafford, Stewart, Thrasher, Thomas, Wason, Watson, Wilson, Wolfer, Wolfin, Woods, and Wright—56.

Those who voted in the negative were,

Messrs. Baker, Barritt, Bird, Black, Bobo, Carter, Corey, Crowe, Douglass, Edmonson, Fuller, Greene, Hays, Honneus, Hostetter, Hungate, Inman, Kiser, Lopp, Matthis, McFadin, Morrison, Montgomery, Ross, Shanks, Shields, Shoaff, Shull, Stackhouse, Tebbs, Thacher, Van Valkenburgh, Vawter, Williams, White, and Wolfe—36.

So said Senate joint resolution No. 1 passed.

The question being, shall the title as read, stand as the title to said Senate joint resolution No. 1?

It was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said joint resolution.

Mr. Miller moved that absentees be allowed to record their votes on Senate joint resolution No. 1.

Which was agreed to.

Mr. Belford moved that when the House adjourns, it adjourn to meet at two o'clock to-morrow afternoon.

Which was agreed to.

The Committee on State Prison North were allowed leave of absence, from and after Monday next, to visit said prison.

On motion by Mr. Greene, the House adjourned.

THURSDAY AFTERNOON, 2 O'CLOCK, }  
January 24, 1867. }

The House met, and was called to order by the Clerk.

The Speaker being absent, on motion, Mr. Newcomb was called to the chair.

The Clerk proceeded to read the Journal, when,

On motion by Mr. Thacher, the further reading thereof, excepting that portion relating to the election of United States Senator, and proceedings on the passage of Senate Joint Resolution No. 1, be dispensed with.

Which was agreed to. Journal approved.

#### PETITIONS, MEMORIALS, ETC.

By Mr. Thrasher,

A petition signed by R. M. Barnes and others, praying for a law prohibiting the traffic in intoxicating drinks.

Which was referred to the Committee on Temperance.

By Mr. Wolfer,

A petition from sundry citizens, asking a prohibitory liquor law. Referred to the Committee on Temperance.

By Mr. Corey,

A memorial from William Willard, presenting a claim for services rendered.

Which was referred to the Committee on Ways and Means.

By Mr. Matthis,

A petition from sundry citizens of Harrison county, praying an appropriation out of the State Treasury necessary to pay the losses occasioned by John Morgan's raid in the State of Indiana.

Which was referred to the Committee on Claims.

By Mr. Ervin,

A petition from sundry citizens of Delaware county, praying for a law prohibiting the traffic in intoxicating drinks.

Which was referred to the Committee on Temperance without reading.

By Mr. Blanch,

A petition from sundry citizens, asking a prohibitory liquor law.

Referred to the Committee on Temperance without reading.

By Mr. Hamilton,

A petition asking for a prohibitory liquor law, from sundry citizens of Marion county.

Which was referred to the Committee on Temperance without reading.

By Mr. Shanks,

A petition from sundry citizens of Washington county, asking a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. Skidmore,

A petition from sundry citizens of Vermillion county praying for a law prohibiting the traffic in intoxicating drinks.

Which was referred to the Committee on Temperance without reading.

By Mr. Shanks,

A petition from sundry citizens of Vermillion county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. Shanks,

A petition from sundry citizens of Vermillion county, asking a prohibitory liquor law.

Which was referred to the Committee on Temperance.

By Mr. Ratliff,

A petition from sundry citizens of Grant county on the subject of a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. Hudson,

A petition from sundry citizens of Jay county, praying for a law prohibiting the traffic in intoxicating drinks.

Which was referred to the Committee on Temperance without reading.

By Mr. Stewart,

A petition from sundry citizens of Rush county, praying for a law prohibiting the traffic in intoxicating drinks.

Which was referred to the Committee on Temperance without reading.

By Mr. Chambers,

A petition from sundry citizens of Henry county, asking a prohibitory liquor law.

Which was referred to the Committee on Temperance.

#### REPORTS FROM COMMITTEES:

Mr. Baker, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House Bill No. 17—"a bill in relation to conveyances of land by wives of persons of unsound mind"—have considered the same, and have directed me to report said bill back to the House with one amendment, and when so amended, recommend its passage.

Amend the second section so as it shall read as follows:

SECTION 2. Whereas, an emergency exists for the immediate taking effect of this act; therefore this act shall be in force from and after its passage.

Which report, with amendments, were laid on the table.

Mr. Belford, from the Committee on the Judiciary made the following report:

MR. SPEAKER:

The committee to whom was referred House Bill No. 24—"a bill to amend the 9th section of an act entitled an act providing for the election of clerks of the circuit court, and prescribing some of their duties, approved June 7, 1852; to require the clerk to deliver over all the books, papers, records and moneys in his hands to his successor"—have considered the same, and directed me to report the bill back with one amendment, and when so amended recommend its passage.

Amend the last two lines of the bill so as to read as follows:

"Pay over to such successor all moneys in his hands as such clerk."

Which was laid on the table.

Mr. McFadin, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred the petition of E. Zimmerman and others, praying the abolition of the grand jury system, have had the same under consideration, and instruct me to report that legislation on the subject of the petition is inexpedient, and to ask that the Committee be discharged from the further consideration of the subject.

Which was concurred in.

Mr. McFadin, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House Bill No. 10—"a bill to amend section seven of an act entitled an act regulating the fees of officers, and repealing all former acts in relation thereto, approved March 2, 1855, and repealing all acts in conflict therewith"—have had the same under consideration, and

direct me to report the same back to the House, with a recommendation that it be referred to the Committee on Fees and Salaries, with instructions to revise the fee list.

Which was concurred in.

Mr. Lopp, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the Governor's Message to this House in reference to the murder of Lieutenant J. Y. Hampton, have directed me to return the same to the House, and respectfully recommend that it be referred to the Committee on Ways and Means.

Mr. Sabin, from the Committee on Fees and Salaries, made the following report:

MR. SPEAKER:

The Committee on Fees and Salaries, to whom was referred House Bill No. 106, beg leave to report the same back, and recommend that it do pass.

Which report was laid on the table.

Mr. Scammahorn, from the Committee on Rights and Privileges, made the following report:

MR. SPEAKER;

The Committee to whom was referred House Bill No. 111, entitled an act limiting the liabilities of inn keepers, have had the same under consideration, and directed me to report the same back to the House, and recommend its passage without amendment.

Which was laid on the table.

Mr. White, from the Committee on Rights and Privileges, made the following report:



MR. SPEAKER:

The committee to who was referred House Bill No. 65—"entitled an act entitled an act to provide for the protection of fur bearing animals, otter, mink, raccoon and muskrat, defining the time in which the same may be taken or killed, and declaring an emergency, &c."—have had the same under consideration, and directed me to report it back to the House with the following amendments:

Strike out the word "muskrat" wherever it occurs in said bill; 2d, also, strike out "fifteenth" in the sixth line of the first section, and insert in lieu thereof the word "first;" also, strike out the word "two" in the thirteenth line and insert "five."

And when so amended recommend its passage.

Laid on the table.

Mr. Mason, from the Committee on County and Township Business, made the following report:

MR. SPEAKER:

The committee to whom was referred House Bill No. 58—"a bill to provide for the election of township officers"—have had the same under consideration, and would recommend that the same lay on the table.

Mr. Miller moved to informally pass over the consideration of the foregoing report.

Mr. Hartman asked and obtained leave to correct his report of yesterday in relation to mileage.

Mr. Bobo, from the Committee on Corporations, made the following report:

MR. SPEAKER:

The Committee on Corporations, to whom was referred House Bill No. 89—"entitled an act to provide for the construction of sewers in incorporated towns, defining the powers and duties of boards of town trustees in relation thereto, and to repeal all other

laws in conflict therewith"—have directed me to report the same to the House, and recommend its passage.

Which was laid on the table.

Mr. Chambers, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The committee to whom was referred Engrossed House Bill No. 11, and Engrossed House Amendments to Senate Bill No. 26, have directed me to report that, after a careful comparison with the original, we find the same correctly engrossed.

Mr. McCarthy presented the following report from the State Librarian:

*To the officers and members of the General Assembly:*

GENTLEMEN:—In accordance with the usual custom, it may be expected that I shall submit to your honorable body a statement of the present condition of the State department over which I have been called to preside for the last two years.

At the last special session of the Legislature of 1865, I made an informal report, in which I presented the condition of the State Library, and endeavored to point out its wants and needs, and it is only necessary now that I should briefly recapitulate what was then said, with some additional remarks in reference to the transactions of the current year.

Since the last regular session, we have received in exchange a large variety of public documents, including laws, assembly proceedings, law reports, reports of State Institutions, &c., all of which may be seen in the library. I may name in this connection the following States which have complied with the usual courtesy of an exchange of State papers:

Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Maryland, Ohio, Illinois, Michigan, Wisconsin, Iowa, Minnesota, Missouri, Tennessee, Kansas, and California.

Public documents have likewise been received from Nebraska, Nevada, Oregon, Dakota, and the Provinces of Canada.

Since the rebellion terminated, I have furnished the States of Virginia and South Carolina, by request of their Governors, with a liberal supply of our public documents.

The States of Mississippi and Alabama have forwarded us copies of their laws and reports, being the first received from the seceded States since the inauguration of the rebellion.

Since the special session of 1865, we have received, in accordance with the provisions of the law, fifteen hundred copies of the Adjutant General's Report, embracing volumes 2, 3, 4, 5 and 6. Volume 7 is about ready for delivery, and volume 1 will be issued by the first of March, when we shall have the complete set in the library, for sale upon the terms prescribed by the act of last winter. But comparatively few copies have been sold, owing to the fact that the work is incomplete.

Comparatively few additions have been made to the library proper, from the fact that our room is limited, and the supply of public documents from other States constantly accumulating on our hands.

Mosf of the works purchased have been such as were needed in the law department.

As far as I could, I have exchanged duplicate copies of our own reports for books, and in this way have saved an outlay in money.

We have had quite a number of valuable books re-bound in the library form, which will preserve them as valuable works of reference for many years to come.

A full record of the books purchased, as well as all exchanges and other transactions connected with my department, may be found in the State library.

Quite a large number of battle flags and other trophies have been added to Trophy Hall, including near two hundred banners, regimental, cavalry, and artillery flags and guidons, making in the aggregate near four hundred flags belonging to Indiana regiments.

Besides these, we have a large number of rebel flags captured at Fort Donelson, Vicksburg, Atlanta, Augusta, Fort Anderson, Columbia and other battle fields of the South.

In addition to the above, we have a great variety of other trophies, including a rebel black flag, torpedoes, guns, pistols, bowie knives, shot and shells of all kinds, all of which have been well arranged for the inspection of visitors.

It is well known to your honorable body that we are laboring at

present under many disadvantages, owing to the want of room in the library department. Two of the rooms in the Northern part of the building properly belonging to the library, have been occupied during the war and since its termination, by the Adjutant General and his employees.

This has compelled us to find a storage room elsewhere for the surplus of public documents which are constantly accumulating on our hands. This likewise has compelled a concentration of our battle flags and war trophies in a smaller space than is desirable, in order that they may be seen by the many visitors to the State library. Could suitable rooms be provided elsewhere, we should then have ample accommodation for the books, documents and trophies which are daily being added to the library.

There is one other subject to which I would invite your special attention, and that it is the insecure condition of the State property in the capitol building. In addition to the State library and Trophy Hall, we have the Supreme Court records dating as far back as the Territorial organization of the State; also the records pertaining to the war department, as well as papers and documents of the executive officers. These are liable at any time to be destroyed by fire, and no human effort would be sufficient to save this valuable treasure, in case such a disaster should occur. At present we have no night watchman in the building, though we endeavor to make it as secure as possible with locks and keys. What I would ask is that your honorable body make provision for the employment of such person, so that we may feel comparatively safe and secure from exposure to burglars and fire.

All of which is respectfully submitted,

B. F. FOSTER, *State Librarian.*

January 24, 1867.

Which was laid on the table, and 200 copies ordered to be printed for the use of the House.

#### INTRODUCTION OF BILLS, ETC.

Mr. Miller introduced

House bill No. 126. A bill to lease the Northern State Prison, and prescribing the terms and conditions in reference thereto.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Higgins offered the following resolution:

*Resolved*, That 300 copies of the Report of the Board of Contract of the Northern States Prison of the date of December, 1866, (with the accompanying documents,) be printed, 200 for the use of this House and 100 copies for the use of the Senate, and that the Governor and Secretary of State be requested to certify for the printing of the same.

Which was adopted.

Mr. Williams introduced

House bill No. 127. A bill to repeal an act entitled "An act to ascertain the amount of the fees and salaries of the Clerks of the Supreme, Circuit and Common Pleas Courts of this State, of the Sheriff of the Supreme Court and of the various counties in this State, of County Auditors, Treasurers and Recorders, of Circuit and Prosecuting Attorneys, and to provide punishment for a violation of its provisions."

Which was read a first time and referred to the Committee on Fees and Salaries.

Mr. Shoaff introduced

House bill No. 128. An act to prevent the sale or running at large of sheep affected with the "foot rot," and the sale or running at large of any animal affected with any contagious disease, and prescribing penalties therefor.

Which was read a first time, and referred to the Committee on Agriculture.

Mr. Belford obtained leave of absence for the Committee on Railroads for the remainder of the day.

Mr. Wilson introduced

House bill No. 129. A bill to provide for the improvement of highways, and repealing all laws conflicting therewith.

Which was read a first time, and referred to the Committee on County and Township Business.

Mr. Crowe offered the following resolution:

*Resolved*, That the Joint Committee on Education and Agriculture be instructed to inquire into the expediency of establishing six agricultural schools in the State of Indiana, one of which shall be located at Bloomington, in connection with the State University; one at Indianapolis, in connection with the Northwestern Christian University; one at Crawfordsville, in connection with the Wabash College; one at Greencastle, in connection with Asbury University; one at South Hanover, in connection with the College located there, and one at Vincennes, in connection with Vincennes University, giving to the State University one-fourth of the whole amount of the Congressional donation, the remainder of said donation to be equally divided between the other five Colleges mentioned, and requiring them, upon the acceptance of the grant, to establish a Professorship of "Agriculture" in each of said Institutions.

Which was not agreed to.

Mr. Peelle introduced

House bill No. 130. A bill to amend section twenty-eight of an act entitled "An act defining felonies, and prescribing punishment therefor," approved June 10, 1852.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Stewart introduced

House bill No. 131. A bill authorizing the Trustees of the Institution for Educating the Deaf and Dumb to sell certain real estate therein named.

Which was read a first time, and referred to the Committee on Benevolent Institutions.

Message from the Governor, by Mr. Holloway, Private Secretary.

MR. SPEAKER:

I am directed by the Governor to transmit to your honorable body the following message, resigning the office of Governor of Indiana:

*To the General Assembly of the State of Indiana :*

Having been elected to the office of United States Senator, I desire to express my deep sense of obligation for this high mark of your confidence and esteem.

This election is more precious to me as an endorsement of my administration, extending through nearly six years, than for the intrinsic value of the office it confers.

To that large body of friends, who nobly sustained me through the difficulties by which I was surrounded during the dark and perilous hours of the rebellion, I am bound by sentiments of affection and gratitude, which will end only with my life.

To the officers and soldiers of Indiana, whose devoted patriotism and heroic valor have shed so much lustre upon the State and Nation, I return my heartfelt thanks for their many manifestations of confidence and regard. My connection with them, in the organization and support of the army, will ever be the proudest period of my life. May the people hold them in grateful and affectionate remembrance.

Our beloved State has entered upon a new career of growth, prosperity and honor. To your charge her interests are committed, and you will see to it, I am confident, that they are carefully and wisely fostered, and that no reproach shall be brought upon her high character.

Governor Baker is able, patriotic and faithful; and now, with a consciousness of having tried to do my duty, and with earnest prayers for the prosperity and happiness of the people of Indiana, I hereby resign into his hands, under the Constitution, the office of Governor.

O. P. MORTON.

EXECUTIVE DEPARTMENT, }  
Indianapolis, Jan. 24, 1867. }

Mr. Hughes offered the following resolution :

*Resolved, the Senate concurring,* That the General Assembly of Indiana respond to the resignation of Governor Oliver P. Morton by the following address :

GOVERNOR MORTON:

It is with sentiments of high esteem for you, personally, and approval of your administration, and full confidence in your ability

and capacity to render distinguished service to the country in the new position to which you have been chosen, that this General Assembly part with you as the Executive of the State.

You will bear with you our sincere wishes for your health and happiness, and our hopes that you may long continue your career of usefulness in public service, and receive, as you will certainly merit, renewed proof of the confidence and favor of the people.

In the person of your successor, Governor Baker, we recognize an approved and faithful officer, of distinguished ability and unquestioned patriotism, to whose hands may well be entrusted the important powers of the executive office. Appreciating his worth and abilities, we congratulate the people of the State that the action of this General Assembly, in transferring you to another field in the public service, leaves their interests in safe and loyal hands.

Mr. Montgomery moved to amend by striking out all in relation to Governor Morton.

Mr. Higgins moved the previous question,  
Which was seconded by the House.

The question being, shall the main question be now put?  
It was so ordered.

The question being on the amendment submitted by Mr. Montgomery,

Messrs. Greene and Thacher demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bird, Black, Bobo, Carter, Corey, Crowe, Douglass, Edmonson, Fuller, Greene, Hostetter, Hungate, Inman, Kiser, Lopp, Matthis, McFadin, Morrison, Montgomery, Shanks, Shields, Shull, Stackhouse, Tebbs, Thacher, Van Valkenburgh, Vawter, Williams, White, and Wolfe—30.

Those who voted in the negative were,

Messrs. Belford, Bischof, Blanch, Brucker, Chamber, Daggy, Danaldson, Dunn, Ervin, Evans, Ferris, Foulke, Geisendorff,



Gordon, Griggs, Hamilton, Higgins, Hudson, Hughes, Litson, Long of Kosciusko, Martin, Mason, McCarthy, McClasky, McMurray, Miller, Moore, Newcomb, North, Peelle, Prather, Ratliff, Rosser, Sabin, Scammahorn, Shook, Shuey, Skidmore, Smith of Wabash, Spencer, Stafford, Stewart, Thrasher, Thomas, Wason, Watson, Wilson, Wolfer, Wolflin, Woods, and Wright—52.

So the motion to strike out was not agreed to.

Mr. Van Valkenburgh moved to reconsider the vote ordering the previous question.

Messrs. Higgins and Prather demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bird, Black, Bobo, Carter, Corey, Crowe, Douglass, Edmonson, Fuller, Greene, Honneus, Hostetter, Hughes, Hungate, Inman, Kizer, Lopp, Matthis, McFadin, Morrison, Montgomery, Shanks, Shoaff, Shull, Stackhouse, Tebbs, Thacher, Van Valkenburgh, Vawter, Williams, Wilson, White, and Wolfe—33.

Those who voted in the negative were,

Messrs. Belford, Bischof, Blanch, Brucker, Chambers, Daggy, Danaldson, Dunn, Ervin, Evans, Ferris, Foulke, Geisendorff, Gordon, Griggs, Hamilton, Higgins, Hopkins, Hudson, Litson, Long of Kosciusko, Martin, Mason, McCarthy, McClasky, McMurray, Miller, Moore, Newcomb, North, Peelle, Prather, Ratliff, Rosser, Sabin, Scammahorn, Shook, Shuey, Skidmore, Smith of Wabash, Spencer, Stafford, Stewart, Thrasher, Thomas, Wason, Watson, Wolfer, Wolflin, Woods, and Wright—51.

So the motion to reconsider did not prevail.

The question then being on the resolution as offered by Mr. Hughes,

Messrs. Thacher and Greene demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Belford, Bischof, Blanch, Brucker, Daggy, Danaldson, Dunn, Ervin, Evans, Ferris, Foulke, Geisendorff, Griggs, Gordon,

Hartman, Hamilton, Higgins, Hopkins, Hudson, Hughes, Litson, Long of Kosciusko, Martin, Mason, McCarthy, McClasky, McMurray, Miller, Moore, Newcomb, North, Peelle, Prather, Ratliff, Rosser, Sabin, Scammahorn, Shook, Shuey, Skidmore, Smith of Wabash, Spencer, Stafford, Stewart, Thrasher, Thomas, Wason, Watson, Wilson, Wolfer, Wolflin, Woods, and Wright—53.

Those who voted in the negative were,

Messrs. Baker, Barritt, Bird, Black, Bobo, Carter, Corey, Crowe, Douglass, Edmonson, Fuller, Greene, Honneus, Hostetter, Hungate, Inman, Kiser, Lopp, Matthis, McFadin, Morrison, Montgomery, Shanks, Shields, Shoaff, Shull, Stackhouse, Tebbs, Thacher, Van Valkenburgh, Vawter, Williams, White, and Wolfe—34.

So the resolution was agreed to.

During the vote on the foregoing resolution, when the Clerk called Mr. Corey, he rose to explain the reason for his vote, and made use of the following language to-wit:

“The abuse that has been heaped upon us to-day by a certain person is such as could only come from a coward.”

The Clerk was required to make a note of the above language.

Mr. Bobo moved that the House do now adjourn.  
which was not agreed to.

Mr. Hughes offered the following resolution:

WHEREAS, Mr. Corey, a member of this House, did, in debate, make use of the following language in reference to Mr. Hughes, a member of the House, and in reference to remarks made in the House by Mr. Hughes, to-wit:

“The abuse that has been heaped upon us to-day by a certain person is such as could only come from a coward.”

Which words were then taken down at the Clerk's desk, as contained in this resolution.

*Resolved*, That said language was unparliamentary and improper, and merits and receives the censure of this House, and that the said Corey is hereby censured by this House.

Mr. Douglass moved to postpone the consideration of said resolution for two weeks from this day, at 2 o'clock, P. M.

The Speaker announced the following special committee of one from each Judicial District, under a resolution introduced by Mr. Daggy:

Messrs. Daggy, Litson, Dunn, Baker, Thrasher, Vawter, Stafford, Gordon, Woods, Ross, Miller, Chambers, Hostetter, and Belford.

Pending the question on the motion submitted by Mr. Douglass,  
On motion by Mr. Ross, the House adjourned.

FRIDAY MORNING, 9 o'clock, }  
January 25, 1867. }

The House met.

Mr. Higgins was called to the Chair.

Mr. Shuey moved that the reading of the Journal be dispensed with.

Which was not agreed to.

The Journal was then read and approved.

Messrs. Stewart and Shields obtained leave of absence until Tuesday next at noon.

Message from the Senate by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the President of the Senate to present to the Speaker of the House of Representatives, for his signatuse thereto, enrolled Senate Joint Resolution No. 1. A Joint Resolution accepting and ratifying certain amendments to the Constitution of the United States.

Mr. Stackhouse obtained leave of absence for the Committee on Education for this day.

Mr. Thrasher obtained leave of absence until next Monday noon.

Mr. Hopkins obtained leave of absence until Tuesday next.

Messrs. Bobo and Geisendorff obtained leave of absence for next week.

Messrs. North, Skidmore, Shuey and Williams, obtained leave of absence until Tuesday next at noon.

The question pending at the adjournment yesterday afternoon, was the motion by Mr. Douglass to postpone the further consideration of Mr. Hughes' resolution.

Mr. Shuey moved to take up the resolution offered by Mr. Hughes.

Which was agreed to.

Mr. Newcomb moved that the resolution offered by Mr. Hughes on yesterday, be indefinitely postponed.

Which was agreed to.

Mr. Chambers moved to take up the message from the Senate containing Senate bill No. 26, with sundry engrossed amendments thereto.

Which was agreed to.

Message from the Senate by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has concurred in the House amendments to Senate bill No. 26, with the following amendments to said amendments:

Strike out the word *four* wherever it occurs and insert in lieu thereof the word *five*, and strike out the word *two* wherever it occurs and insert in lieu thereof the word *three*.

Second, amend further:

Strike out amended section No. 4 of House amendment to Senate bill No. 26.

In which the concurrence of the House is respectfully requested.

Engrossed Senate amendments to House amendments to Senate bill No. 26:

In section 3, House amendment, strike out the word *four* where it occurs and insert the word *five*, and strike out the word *two* wherever it occurs and insert the word *three*.

Amend second, by striking out amended section No. 4 by House.

Mr. Newcomb moved that the House insist on the amendments of the House to said bill.

Which was not agreed to

Mr. Shuey moved that the House concur in the Senate amendments to Senate bill No. 26. A bill appropriating seventy-five thousand dollars to defray the expenses of the Forty-fifth Session of the General Assembly, etc.

Which was agreed to.

*Ordered*, That the Clerk inform the Senate thereof.

#### PETITIONS, MEMORIALS, ETC.

By Mr. Van Valkenburgh,

A petition asking for a prohibitory liquor law, from sundry citizens of Marshall county.

Which was referred to the Committee on Temperance, without reading.

By Mr. Geisendorff,

A petition from sundry citizens of Noble county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. McMurray

A petition from sundry citizens of Putnam county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Ferris,

A petition from sundry citizens of St. Joseph county, praying for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Evans,

A petition from sundry citizens of Carroll county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Dunn,

A petition from sundry citizens of Lawrence county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

The Committee on Railroads obtained leave to sit during session to-day.

By Mr. Long,

A petition from sundry citizens of Kosciusko county, praying for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Wolfe,

A petition from Sullivan county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Newcomb,

A memorial of the Western yearly meeting of Friends in behalf of juvenile criminals and mendicant children.

Which was read, and referred to the Committee on Benevolent Institutions.

By Mr. Newcomb,

A memorial from the "yearly meeting of Friends" for Southern and Western Indiana, asking for change in the laws of Indiana, so as to make drunkenness a crime.

Which was read, and referred to the Committee on Temperance.

By Mr. Newcomb,

A memorial of the Western yearly meeting of Friends, on behalf of the civil rights of colored citizens.

Which was read, and referred to the Committee on the Rights and Privileges of the State.

By Mr. Newcomb,

A petition from sundry citizens of Marion county, praying for a law prohibiting the traffic in intoxicating drinks.

Which was referred to the Committee on Temperance without reading.

By Mr. Morrison,

A petition from sundry citizens of Clinton county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Chambers,

A petition from sundry citizens of Henry county, praying for a law prohibiting the traffic in intoxicating drinks.

Which was referred to the Committee on Temperance, without reading.

By Mr. Shuey,

A petition from sundry citizens of Elkhart county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. McClasky,

A petition from sundry citizens of Montgomery county, praying for a law prohibiting the traffic in intoxicating drinks.

Which was referred to the Committee on Temperance, without reading.



By Mr. Bobo,

A petition from sundry citizens of Adams county, praying for a law prohibiting the traffic in intoxicating drinks.

Which was referred to the Committee on Temperance, without reading.

By Mr. Newcomb,

A claim for \$345 against the State of Indiana, by James Blake.

Which was referred to the Committee on Claims.

#### REPORTS OF STANDING COMMITTEES.

Mr. Daggy, from the Committee on the Judiciary, made the following report.

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred Joint Resolution No. 3, proposing an amendment to the Constitution of the State of Indiana, so that a majority of all the members elected to each House shall constitute a quorum to do business, have had the same under consideration, and directed me to report that it is inexpedient to adopt said resolution, for the reason that an amendment approved March 6, 1865, is still pending.

Which was concurred in.

Mr. McFadin, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 83—a bill for the protection of *wild game*, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, repealing all laws inconsistent herewith, and declaring an emergency—have considered the same, and directed me to report said bill back to the House with one amendment, and when so amended, recommend its passage.

Amend House bill No. 83 as follows: Strike out all after the enacting clause, and insert the following: "That it shall be un-

lawful to shoot, trap, or kill in any manner, deer, buck, doe, or fawn within this State, between the first day of January and the first day of October in each year; and for each deer, buck, doe, or fawn so shot, trapped, or killed in any manner, the person or persons so offending, shall, on conviction thereof, be fined in the sum of ten dollars.

SEC. 2. That it shall be unlawful to shoot or trap quails or pheasants, from the first day of February to the first day of October in each year, and it shall be unlawful to net quails at any time; any person or persons violating the provisions of this section, shall, upon conviction thereof, be fined the sum of two dollars for each quail or pheasant so shot, trapped or netted.

SEC. 3. That it shall be unlawful to shoot or trap prairie hens or chickens, between the first day of February and the fifteenth day of August in each year; and it shall be unlawful to net prairie chickens at any time, and any person or persons violating the provisions of this section, shall, upon conviction thereof, be fined the sum of two dollars for each prairie hen or chicken so shot, trapped or netted.

SEC. 4. That it shall be unlawful to catch, shoot, trap, seine or otherwise to capture or destroy in any manner any fish known as bass, pike, pickerel or salmon, between the first day of May and the first day of July in each year; and for any violation of the provisions of this section, the person or persons so offending, upon conviction thereof, shall be fined in the sum of two dollars for each bass, pike, pickerel or salmon so caught, shot, trapped, seined or otherwise captured or destroyed in any manner.

SEC. 5. That it shall be unlawful for any agent or officer of any express company, or railroad company, or any other person or persons to receive or transport any game, whether deer, quails, pheasants or prairie chickens, or any bass, pike, pickerel or salmon which shall have been killed, taken or captured in violation of any of the provisions of this act, and any agent, officer or other person so offending, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in the sum of ten dollars for each deer, buck, doe or fawn so received or transported; and the sum of two dollars for each quail, pheasant or prairie chicken, or bass, pike, pickerel or salmon so received or transported.

SEC. 6. All acts or parts of acts in conflict with any of the provisions of this act, are hereby repealed.

SEC. 7. It is hereby declared that an emergency exists requiring the immediate taking effect of this act, and that therefore this act shall be in force from and after its passage.

Which was laid on the table.

Mr. Daggy, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred Joint Resolution No. 5, proposing an amendment to the 8th article of the Constitution of the State of Indiana, so that townships shall have power by taxation to raise revenue for the support of common schools—have had the same under consideration, and directed me to report that it is inexpedient to pass said resolution, for the reason that on the 6th day of March, 1865, a Joint Resolution passed by the General Assembly of the State of Indiana was approved, providing for an amendment to said article.

Which was concurred in.

Mr. Daggy, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred house bill No. 16, authorizing prosecuting attorneys, and District Prosecutors to administer oaths and affirmations, and to certify affidavits—have considered the same, and directed me to report that it would be inexpedient to pass said bill.

Which was concurred in.

#### INTRODUCTION OF BILLS, RESOLUTIONS, ETC.

Mr. Ross offered the following resolution:

*Resolved*, That the Committee on the Judiciary be directed to inquire into the expediency of so amending section 405 of the practice act as to authorize execution to issue upon all judgments which remain unpaid at any time within ten years from the rendition thereof, and that they report by bill or otherwise.

Which was agreed to.

Mr. Wason introduced,

House bill No. 132. A bill for the protection of fur-bearing animals.

Which was read a first time, and referred to the Committee on the Rights and Privileges, etc.

Mr. Montgomery offered the following resolution:

**WHEREAS**, The first volume of the statutes of the State of New York have been lost from the State Library, and as the Committee on the organization of Courts of Justice are desirous of consulting said statutes in relation to business in connection with this House; therefore; the State Librarian is hereby instructed to purchase said statute as soon as possible for the State Library.

Which was agreed to.

Mr. Stackhouse offered the following resolution:

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the necessity of revising the Statutes of the State of Indiana, and that they report by bill or otherwise.

Which was agreed to.

Mr. Woods introduced,

House bill No. 133. A bill to amend the 38th section of an act "entitled an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9th, 1852.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Vawter introduced,

House bill No. 134. A bill to prevent importation, to protect legal voters, and to punish those who, for fee or reward, induce one to vote differently from his sentiments.

Was read a first time, and referred to the Judiciary Committee.

Mr. Moore introduced,

House bill No. 135. A bill to amend section 11 of an act enti-

tled "an act to fix the times of holding the common pleas courts in the several counties of this State, the duration of the terms thereof, and making all process from the present common pleas court returnable to such times, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859.

Was read a first time, and referred to the Committee on the Organization of Courts of Justice.

Mr. Peelle introduced,

House bill No. 136. A bill leasing the Northern State Prison, and providing for the appraisement and transfer of the property belonging to the State, in and about said prison, to the lessees.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Bird introduced,

House bill No. 137. A bill authorizing township trustees to administer oaths generally, and to take acknowledgments of deeds and mortgages, and declaring an emergency.

Read a first time, and referred to the Committee on the Judiciary.

Mr. Brucker offered the following resolution:

*Resolved*, That the Committee on Education be instructed to investigate the expediency of amending section 12 of "An act to provide for a general system of common schools," etc., approved March 6, 1865, so that it reads as follows:

"SECTION 12. The Trustees of the several townships, towns and cities shall have power to levy a special tax in their respective townships, towns and cities for the construction, renting or repairing of school houses, providing furniture, school apparatus and fuel therefor, and for the payment of other necessary expenses of the school except tuition; but no tax shall exceed the sum of fifty cents on each one hundred dollars worth of taxable property, and fifty cents on each poll, in any one year, and the income from said tax shall be denominated the special school revenue; and any taxpayer who may choose to pay to the Treasurer of the township,

town or city, wherein said tax-payer has property liable to taxation, any amount of money, or furnish building material for the construction of school houses, or furniture or fuel therefor, shall be entitled to a receipt therefor from the Trustee of said township, town or city, which shall exempt such tax payer from any further taxes for said purposes would, if not thus paid, amount to the sum or value of the materials so furnished, or amount so paid: *Provided*, That said building materials, or furniture, or fuel shall be received at the option of said Trustee."

Which was read and referred to the Committee on Education.

Mr. Shanks introduced

House bill No. 138. A bill to repeal an act entitled "An act in relation to County Treasurers," approved March 6, 1865.

Which was read a first time, and referred to the Committee on the Judiciary.

The Speaker laid before the House the Annual Report of the Board of Trustees of the Wabash and Erie Canal, with the following communication:

TRUSTEES OFFICE WABASH AND ERIE CANAL, }  
TERRE HAUTE, January 22, 1867. }

HON. DAVID C. BRANHAM,

*Speaker of the House of Representatives:*

SIR:—I have the honor to hand you the Annual Report of the Board of Trustees of the Wabash and Erie Canal for 1866-67, with a request that you be pleased to lay the same before the House over which you preside.

Very respectfully,

D. M. DUNN,

*Trustee of Wabash and Erie Canal.*

Said report was laid on the table and 500 copies ordered to be printed.

Mr. Miller was granted leave of absence till Monday next.

## ORDERS OF THE DAY.

Mr. Ross moved, that when the House adjourns, it adjourn until Monday next at 2 o'clock in the afternoon.

Which was agreed to.

Mr. McFadin moved to suspend the order of business to allow him to present a resolution.

Which was not agreed to.

On motion by Mr. Hughes, Messrs. Dunn and Greene were added to the Committee on the Judiciary.

## SENATE BILLS ON FIRST READING.

Senate Joint Resolution No. 4:

*Be it resolved by the General Assembly of the State of Indiana,* That our Senators be instructed and our Representatives in Congress be requested to do all in their power to secure the passage of an act of Congress authorizing the Secretary of the Treasury to use all the funds now in his possession, or which may hereafter come into his possession, and not otherwise appropriated, in the redemption first of the interest bearing portion of the public debt.

Which was read a first time, and referred to the Special Committee on Finance, heretofore appointed.

Senate bill No. 5. A bill to amend an act entitled "an act to amend an act entitled an act to fix the amount of the salary of the State Librarian, and repealing all former laws conflicting therewith, and to dispense with an Assistant Librarian and clerk," approved March 4th, 1859, and also increasing the powers and duties of the State Librarian, approved December 20th, 1865.

Was read a first time, and referred to the Committee on Fees and Salaries.

Senate bill No. 24. A bill to legalize the acknowledgments of all deeds, mortgages and other instruments required to be recorded, taken and certified by Notaries Public, who took and certified such acknowledgments after their commissions had expired, and their

appointments had been vacated by accepting and holding a lucrative office.

Was read a first time, and passed to a second reading on tomorrow.

Senate bill No. 50. A bill to amend section — of an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith; and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed.

Was read a first time, and passed to a second reading.

Senate bill No. 69. A bill to make an appropriation for the payment of sheriffs' mileage.

Was read a first time.

Mr. Miller moved that it be deemed expedient that the constitutional rule requiring bills to be read on three several days be suspended; and that said bill be read a second and third times now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Belford, Blanch, Bobo, Brucker, Chambers, Crowe, Daggy, Danaldson, Douglass, Dunn, Ervin, Evans, Ferris, Foulke, Fuller, Geisendorff, Gordon, Greene, Hartman, Hamilton, Hays, Higgins, Honneus, Hudson, Hughes, Hungate, Inman, Litson, Long of Kosciusko, Martin, Mason, McCarthy, McClasky, McFadin, McMurray, Miller, Moore, Morrison, Newcomb, North, Peelle, Prather, Ratliff, Ross, Rosser, Scammahorn, Shook, Shoaff, Shull, Shuey, Smith of Wabash, Spencer, Stafford, Tebbs, Thacher, Thrasher, Thomas, Van Valkenburgh, Vawter, Wason, Watson, Wolfer, Wolflin, and Woods—64.

Those who voted in the negative were,

Messrs. Baker, Black, Carter, Edmonson, Hostetter, Kiser, Matthis, Montgomery, Sabin, Shanks, Stackhouse, Wilson, White, Wolfe, and Wright—15.



So it was deemed expedient to suspend the constitutional rule, and said Senate bill No. 69 was read a second and third time.

The question being, shall said bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Barritt, Belford, Black, Blanch, Brucker, Crowe, Daggy, Danaldson, Douglass, Dunn, Ervin, Evans, Ferris, Geisendorff, Gordon, Griggs, Hartman, Hamilton, Higgins, Honneus, Hostetter, Hughes, Hungate, Inman, Kizer, Litson, Long of Kosciusko, Martin, Mason, McCarthy, McClasky, McFadin, McMurray, Miller, Moore, Morrison, Newcomb, North, Peelle, Prather, Ratliff, Ross, Rosser, Sabin, Scammahorn, Shanks, Shook, Shoaff, Smith of Lagrange Smith of Wabash, Spencer, Stafford, Tebbs, Thatcher, Thrasher, Thomas, Van Valkenburgh, Vawter, Wason, Watson, White, Wolfer, Wolfin, Woods, and Wright—66.

Those who voted in the negative were,

Messrs. Bird, Bobo, Carter, Edmonson, Hays, Hudson, Montgomery, Shull, Stackhouse, Wilson, and Wolfe—11.

So said Senate bill No. 69 passed.

The question being, shall the title as read stand as the title to said bill,

It was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

Senate bill No. 22. A bill regulating the fees of clerks of courts, justices of the peace, and notaries, in certain cases,

Which was referred to the Committee on the Judiciary.

#### SENATE BILLS ON SECOND READING.

Senate bill No. 21. A bill supplemental to an act approved March 5th, 1859, entitled "an act authorizing the purchasers of rail-

roads, plank roads, turnpike roads, and macadamized roads, or parts thereof, under mortgaged sale, or sales made according to the terms of deeds of trust, to organize as incorporated companies, and prescribing their powers and duties," extending the time provided in said act for the organization of such district corporations by such purchasers.

Was read a second time.

Mr. Wolfe moved that it be referred to the Committee on Corporations.

Which was not agreed to.

So the bill passed to its third reading.

Mr. Wright, from the Committee on the State Prison North, asked to be excused from going with said committee to visit said prison.

Which was agreed to, and the Speaker appointed Mr. Ferris in his stead.

On motion by Mr. Spencer, the House adjourned.

MONDAY AFTERNOON, 2 o'CLOCK, }  
January 28, 1867. }

The House met pursuant to adjournment.

On motion of Mr. Prather, the reading of the Journal was dispensed with.

PETITIONS, MEMORIALS, CLAIMS, ETC.

By Mr. McLean,

A petition from sundry citizens of Terre Haute, Indiana, praying for the location of the Soldier's Orphans Home at that place.

Which was read, and referred to the Committee on Military Affairs.

By Mr. Newcomb,

A claim of John Stumph for grading and bowldering Circle street and Market street, between Pennsylvania and Illinois streets, Meridian street, between Washington and Ohio streets, and curbing the outer edge of the sidewalks with stone, be granted.

Referred to the Committee on Claims, without reading.

By Mr. Newcomb,

A claim in favor of William S. Hubbard for \$2,082.10 for paying and bowldering streets.

Which was referred to the Committee on Claims, without reading.

By Mr. McMurray,

A petition from sundry citizens of Putnam county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Black,

A petition by citizens of Madison county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Montgomery,

A petition from sundry citizens of Hancock and Shelby counties, praying for a prohibitory liquor law.

Which was read and referred to the Committee on Temperance.

By Mr. Geisendorff,

A petition from sundry citizens of Bartholomew county, in relation to a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Stewart,

A petition from sundry citizens of Rush county, praying for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Danaldson,

A petition from sundry citizens of Indiana, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Geisendorff,

A petition from sundry citizens of Noble county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Danaldson,

A petition from sundry citizens of Parke county, praying for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Crowe,

A petition from sundry citizens of Vigo county, praying for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Greer,

A petition from sundry citizens of Morgan county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Honneus,

A petition from sundry citizens of ——— county, praying for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Watson,

A petition from sundry citizens of Randolph county, praying for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Gordon,

A petition from sundry citizens of Boone county, praying for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Long,

A petition from sundry citizens of Kosciusko county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Baker,

A petition from sundry citizens of Bruceville, Knox county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. McClasky,

A petition from sundry citizens of Montgomery county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. McFadin,

A memorial from sundry citizens of Cass county, praying for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Hartman,

A petition from sundry citizens of DeKalb county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Carter,

A petition from sundry citizens of Fountain county, praying for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Ratliff,

A petition from sundry citizens, asking a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Wolfe,

A petition from sundry citizens of Sullivan county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. McLean,

A petition from sundry citizens of Vigo county, praying for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has concurred in the accompanying resolution of the House responded to the resignation of Governor Oliver P. Morton, with an address:

*Resolved*, (the Senate concurring,) That the General Assembly of Indiana respond to the resignation of Governor O. P. Morton by the following address:

Gov. MORTON:

It is with sentiments of high esteem for you personally, and approval of your administration, and full confidence in your ability and capacity to render distinguished service to the country in the new position to which you have been chosen, that the General Assembly part with you as the Executive of the State. You will bear with you our sincere wishes for your health and happiness, and our hopes that you may long continue your career of influence in the public service, and receive, as you will certainly merit, renewed proofs of the confidence and favor of the people. In the person of your successor, Governor Baker, we recognize an approved faithful officer of distinguished ability and unquestioned patriotism, to whose hands may well be entrusted the important powers of the Executive office. Appreciating his worth and abilities, we congratulate the people of the State, that the action of this General Assembly in transferring you to another field of labor in the public service, leaves their interests in safe and loyal hands.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the President of the Senate to present to the Speaker of the House of Representatives for his signature thereto, the following enrolled Senate bill:

Senate bill No. 26, entitled, "An act appropriating seventy-five thousand dollars, to defray the expenses of the forty-fifth session of the General Assembly."

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the President of the Senate to inform the House that he has signed enrolled act No. 26 of the Senate, and Joint Senate Resolution No. 1, and that the same have been transmitted to the Executive of the State for his signature thereto.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bills thereof, to wit:

Senate bill No. 5, entitled, an act to amend an act, entitled, an act to amend an act, entitled, "An act to fix the amount of the salary of the State Librarian, and repealing all former laws conflicting therewith, and to dispense with an assistant librarian and clerk," approved March 4, 1859; and also, increasing the powers and duties of the State Librarian, approved December 20, 1865.

Senate bill No. 22, entitled, "An act regulating the fees of Clerks of Courts, Justices of the Peace, and Notaries, in certain cases.

Senate bill No. 24, entitled, "A bill to legalize acknowledgements of all deeds, mortgages, and other instruments required to be recorded, taken and certified; such acknowledgements, after the expiration of their commissions, or vacation of their appointment.

Senate bill No. 50, entitled, "An act to amend Section 12 of an act to provide for a general system of common schools, the officers



thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed.

Senate bill No. 69, entitled, "An act to make an appropriation for Sheriffs' mileage.

Senate Joint Resolution No. 4, instructing our Senators, and requesting our Representatives in Congress to do all in their power to secure the passage of an act of Congress, authorizing the Secretary of the Treasury to use all funds now in his possession, or which may hereafter come into his possession, and not otherwise appropriated in redemption first of the interest-bearing portion of the public debt, in which the concurrence of the House is respectfully requested.

Message from the Senate by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof, to-wit:

Senate bill No. 17, entitled, an act to amend the title of an act, entitled, "An act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet shows, and legerdemain," in which the concurrence of the House is respectfully requested.

#### REPORTS OF STANDING COMMITTEES.

Mr. McLean, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 40, have had the same under consideration, and beg leave to report the same back to the House, and respectfully recommend its passage.

Which was laid on the table.

Mr. Belford, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 59, have had the same under consideration, and instruct me to report the same back to the House, and recommend the passage of the bill.

Which was laid on the table.

Mr. Belford, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 124, have had the same under consideration, and instruct me to return the bill to the House, and report adversely to the passage thereof.

Which was concurred in.

Mr. Belford, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 108, have considered the same, and instruct me to report the bill back to the House and recommend adversely to the passage thereof.

On motion of Mr. Watson, said bill was recommitted to the Committee on the Judiciary.

Mr. Belford, from the Committee on the Judiciary, made the following report, to-wit:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 88, amending the law on the subject of divorces, have con-

sidered the same, and instruct me to report the bill back to the House and recommend adversely to the passage thereof, and that the further consideration of the bill be postponed indefinitely.

Which was concurred in.

Messrs. McLean, Greer, Crain and Mr. Speaker obtained leave to record their respective votes in favor of the passage of Senate Joint Resolution No. 1.

Mr. Ross, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 39—an act to legalize and declare valid and effectual all the orders, judgments and other proceedings made, rendered and had by and before the Common Pleas Court of Clinton county, in this State, held in the court house of said county in the months of October and November in the year one thousand eight hundred and sixty-five, and then and there, by and before the several judges of the said Court—have considered the same, and directed me to report the same back with three amendments, and when so amended, recommend its passage.

Amend the first section by adding thereto the following proviso:

1. *Provided, however,* That all persons, parties to such order, judgment or proceeding, may at any time within one year from the taking effect of this act, file a complaint in writing in said Court, as is now authorized by law, for the purpose of opening up, or setting aside, any such order, judgment or proceeding, which application shall be heard and determined as if this act had not been passed.
2. Strike out the fifteenth line of the first section, being these words, "and all days included between them."
3. Amend the bill by striking out the second section.

Which was laid on the table.

Mr. McFadin, from the Committee on the Judiciary, made the following report:

H. J.—15

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 66, amending an act defining felonies, and prescribing punishments therefor, approved June 10, 1852, have had the same under consideration, and instruct me to report the bill back to the House with a recommendation that it be not passed.

Which was concurred in.

Message from the Governor, by Mr. Commons, his Private Secretary:

*To the Senate and House of Representatives:*

By the resignation of His Excellency, Oliver P. Morton, Governor of the State, communicated to you on the 24th inst., the duties of his office, under the Constitution, devolve upon me as Lieutenant Governor.

I beg to inform the General Assembly that I have entered upon the performance of these duties. It may not be superfluous to add that I shall make it my study, most cordially to co-operate with the General Assembly in all its measures intended to promote the prosperity of the State and the welfare of its people.

Captain John M. Commons is authorized to make executive communications to the General Assembly.

CONRAD BAKER.

EXECUTIVE DEPARTMENT, }  
INDIANAPOLIS, January 25, 1866. }

Mr. McFadin, from the Committee on the Judiciary, made the following report.

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 112, have had the same under consideration, and instruct me to return it to the House, and report that legislation on the subject is inexpedient.

The question being on concurring in the report of the committee,

Messrs. Newcomb and Miller demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barritt, Bird, Black, Blanch, Brucker, Carter, Co-  
rey, Crain, Crowe, Daggy, Danaldson, Douglass, Dunn, Edmonson,  
Ervin, Evans, Gordon, Greene, Greer, Hartman, Hays, Honneus,  
Hostetter, Hudson, Inman, Litson, Mason, Matthis, McFadin, Mc-  
Lean, McMurray, Moore, Morrison, Montgomery, Prather, Ross,  
Shanks, Shook, Shull, Smith of Lagrange, Smith of Wabash,  
Stackhouse, Stafford, Tebbs, Thacher, Vawter, Wolfe, Woods,  
Wright, and Mr. Speaker—50.

Those who voted in the negative were,

Messrs. Belford, Fuller, Geisendorff, Griggs, Hamilton, Hughes,  
Long of Kosciusko, McCarthy, McClasky, Miller, Newcomb, Rat-  
liff, Rosser, Sabin, Scammahorn, Stewart, Thomas, Wason, Wat-  
son, Williams, Wilson, Wolfer, and Wolfin—23.

So the motion to concur in the report prevailed.

Mr. Baker, from the Committee on the Judiciary, made the fol-  
lowing report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No.  
119, have had the same under consideration, and instruct me to  
report it back to the House, with a recommendation that the bill  
do not pass.

Which was concurred in.

Mr. Woods, from the Committee on the Judiciary, made the fol-  
lowing report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House-  
bill No. 67, have considered the same, and direct it back to the  
House, with the recommendation that the bill do not pass, and that  
the further consideration thereof be indefinitely postponed.

Which was concurred in, and said House bill No. 167 was indef-  
initely postponed.

Mr. Ross, from the Judiciary Committee, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 62—providing that persons shall be required to procure license in order to practice dentistry—have had the same under consideration, and respectfully report that legislation on the subject named in the bill is unnecessary and inexpedient, and recommend that its further consideration be indefinitely postponed.

Which was concurred in.

Mr. Woods, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 87, have considered the same, and instruct me to return it to the House, and report that legislation on the subject of the bill is inexpedient, and to recommend that the further consideration of the bill be indefinitely postponed.

Which report was concurred in, and said bill indefinitely postponed.

Mr. Ross, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 86, have had the same under consideration, and direct me to report against the passage of the bill, and recommend that it be indefinitely postponed.

Which report was concurred in, and said bill indefinitely postponed.

Mr. Woods, from the Committee on the Judiciary, made the following report, to-wit:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No.

107, have had the same under consideration, and instruct me to report it back to the House, and recommend the passage of the bill.

Which was laid on the table.

Mr. Woods, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 117, have had the same under consideration, and instruct me to report the bill back to the House, and recommend its passage, with the following amendments: In the title of the bill, strike out the words "section fifth," and insert section sixth. In the sixth line of the amended section, after the words "in the paper," insert the words "in the State." At the end of the same section, strike out the words "out of which the printer shall pay postage."

Which was laid on the table.

Mr. McFadin, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 113, have had the same under consideration, and direct me to report that they are of the opinion that there ought to be some change in the law in respect to a change of venue in criminal cases, but think that the present bill will not remedy the evil, and recommend that it do not pass in its present form.

Mr. Miller moved that said bill be recommitted to the Committee on the Judiciary, with instructions to report a proper bill on that subject.

Which was agreed to.

Mr. Daggy, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House

bill No. 92, in relation to administrators and executors giving mortgage security for the faithful discharge of their trust, have had the same under consideration, and direct me to report that it would be inexpedient to pass the same, and therefore that the same be indefinitely postponed.

The report was concurred in, and House bill No. 92 was indefinitely postponed.

Mr. Daggy, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 122, in relation to advertising in newspapers the sale of personal property on executions, have had the same under consideration, and directed me to report that the same should not become a law, for the reason that the existing law on the subject is sufficient, and therefore that the same be indefinitely postponed.

Which report was concurred in, and House bill No. 122 was indefinitely postponed.

Mr. Dunn, from the Committee on Claims, made the following report, to-wit:

MR. SPEAKER:

The Committee on Claims, to whom was referred the claim of Jonathan R. Tilman, for services rendered as Assistant Surgeon of the 60th Regiment Indiana Infantry Volunteers, have had the same under consideration, and would respectfully report that they consider it inexpedient to allow this class of claims, as it would establish a dangerous precedent, and would result in great loss to the State.

The Committee express the opinion that the General Government would pay said claim if properly presented, and therefore recommend that the claimant be permitted to withdraw his application.

Which was concurred in.

Mr. Wright, from the Committee on Claims, made the following report:



MR. SPEAKER

The Committee on Claims, to whom was referred House bill No. 29, have had the same under consideration, and have directed me to report the same back to the House and respectfully recommend that the same be laid on the table and no further action be had thereon.

Which was concurred in.

Mr. Stafford, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the claim of Dillon Bridges, for furnishing twenty-four recruits for the Thirteenth Indiana Cavalry, at six dollars each, amounting to one hundred and forty-four dollars, have had the same under consideration, and would respectfully recommend that the claim be allowed and placed in the specific appropriation bill.

Which was concurred in, and referred to the Committee on Ways and Means, with instructions to insert the amount asked for in the specific appropriation bill.

Mr. Danaldson, from the Committee on Agriculture, made the following report:

MR. SPEAKER:

The Committee on Agriculture, to whom was referred House bill No. 123, presented by Alfred Williams, repealing an act entitled "An act to discourage the keeping of useless and sheep killing dogs, and providing penalties for the violation of any of the provisions of said act by officers and others, and also repealing an act to license dogs," approved March 11, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled "Act for the protection of sheep," approved June 15, 1852, approved March 2, 1865, respectfully report that they have had the same under advisement, and direct me to report the same back, recommending its indefinite postponement.

The report was concurred in, and House bill No. 123 was indefinitely postponed.

Mr. Newcomb, from the Committee on Revision of the Rules of the House of Representatives, made the following report:

MR. SPEAKER:

The select committee appointed to revise and recommend to the House amendments of the standing rules and orders, have had the same under consideration, and have instructed me to make the following report:

The committee recommend that the 15th rule be abrogated, and the following adopted in lieu thereof.

15. When a member has been taken into custody as provided in rule 14, and brought before the House, before he is discharged, the House shall determine whether his discharge shall be with or without paying fees and other expenses, and the expense of such special messenger, when one has been employed, and also, whether he shall be fined; which fine may be in any sum not exceeding ten dollars, for each day or part of a day he shall have been absent without leave, which fees, charges and fines shall be deducted from the pay of such delinquent member.

I. Strike out rule 22, and insert the following:

22. A motion to adjourn, and a motion to fix the the time to which the House shall adjourn, shall always be in order, except when the previous question is pending; these, and a motion to lie on the table, and to suspend the order of business, shall be decided without debate.

II. Strike out rule 28, and insert the following:

28. No member shall vote on any question in the event of which he is immediately and particularly interested, or in any case when he was not within the bar of the House when the question was put, unless by consent of the House, and in no case shall such absent member be allowed to vote after the result has been announced, when his vote will change the decision of the question. For the purpose of determining whether a quorum is present, all members within the House when the question is stated by the Speaker, and the vote is on a call of the ayes and noes, shall be counted, and such of them as fail to respond to their names when

called, shall be noted by the Clerk as present and not voting. The Hall of the House shall be deemed and held to include the entire Chamber in which this body holds its sessions.

III. Strike out rule 29, and insert the following:

29. Upon a division and count on any question on which the ayes and noes are not demanded or required, no member without the bar shall be counted.

The Committee recommend the following to rule 35, after the word "debate," in the last line thereof, to-wit: And after the demand for the previous question has been seconded by the House, no motion shall be entertained to excuse a member from voting.

The Committee further recommend that the 40th rule be amended by striking therefrom and abolishing the Committee on the Affairs of the City of Indianapolis, and inserting in lieu thereof a Committee on Cities and Towns.

VI. Amend rule 55 by adding after the word "proceed," in the second line, these words, "Unless otherwise ordered by the House."

VII. In lieu of the abrogated 63d rule, the Committee recommend the adoption of the following:

63. No standing rule or order of the House shall be rescinded or changed without one day's notice being given of the motion thereof.

Mr. McFadin, from the Committee on the Revision of Rules of the House, made the following minority report:

MR. SPEAKER:

The minority of the Committee appointed to revise the rules of this House, respectfully dissent from the majority report of said Committee for the following reasons:

1. If the majority report is adopted it will permit the majority of this House, and merely upon a bare majority, to suspend the regular order of business and rules at any time, and take up any bill or measure out of its regular order, and pass it through its

several readings at any time, and on the same day, which we think is unconstitutional. See Sect. 18 of Art. 4, Constitution of Indiana.

2. In all legislative bodies the minority is presumed to have certain rights which have long been established by parliamentary usage, and which cannot be taken away from them on any frivolous pretext, but if the majority report is adopted, it leaves the minority wholly at the mercy of the majority, particularly if rule 63 is annulled, the abrogation of which we enter our protest, and respectfully recommend the adoption of the rules of the last Legislature for the government of this House.

All of which is respectfully submitted.

The question being on adopting the minority report as made by Mr. McFadin, Messrs. Baker and Greene demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barritt, Bird, Blanch, Brucker, Carter, Corey, Crowe, Douglass, Edmonson, Fuller, Greene, Honneus, Hostetter, Inman, Lopp, Matthis, McFadin, Morrison, Montgomery, Ross, Shanks, Shull, Stackhouse, Tebbs, Thatcher, Vawter and Wolfe—28.

Those who voted in the negative were,

Messrs. Belford, Blanch, Daggy, Danaldson, Dunn, Ervin, Geisendorff, Gordon, Greer, Griggs, Hartman, Hamilton, Hudson, Hughes, Litson, Long of Kosciusko, Mason, McCarthy, McClasky, McLane, McMurray, Miller, Moore, Newcomb, Prather, Ratliff, Rosser, Sabin, Scammahorn, Shook, Smith of Lagrange, Stafford, Stewart, Thomas, Wason, Watson, Wilson, Wolfer, Wolfin and Mr. Speaker—41.

So the motion did not prevail:

Then, on motion, the report submitted by the majority of the committee was concurred in.

Mr. Newcomb moved that 200 copies of the revised rules be printed for the use of the House.

Which was agreed to.

Mr. Greene moved that the rules adopted to-day do not take effect until they are printed and laid upon the desks of the members of the House.

Which was ruled to be out of order by the Speaker.

#### INTRODUCTION OF BILLS, RESOLUTIONS, ETC.

Mr. Prather introduced

House bill No. 139. A bill to amend section five of an act, entitled, "An act to provide for a more uniform mode of doing township business, prescribing the duties of certain officers connected therewith, and to repeal all laws conflicting with this act," approved February 18, 1859.

Which was read a first time, and referred to the Committee on Elections.

Mr. Greene presented the following notice:

MR. SPEAKER:

I hereby give notice that on to-morrow I shall move to suspend the rules adopted to day for the government of the House, until the same are printed and placed in the possession of the members.

Mr. Litson offered the following resolution:

*Resolved*, That the Principal, Assistant and Minute Clerks of the House of Representatives be allowed to draw from the State Librarian a sufficient amount of postage stamps to supply them in the discharge of official duties, not to exceed in amount ten (\$10) dollars each.

Which was agreed to.

Mr. Danaldson introduced

House bill No. 140. A bill to amend sections 2 and 4 of an act entitled, "An act to discourage the keeping of useless and sheep killing dogs, and providing penalties for the violation of any of the provisions of said act, by officers and others, and also repealing an act to license dogs, approved March 11, 1861—and providing that nothing in this act shall be so construed as to conflict with the pro-

visions of an act, entitled, 'An act for the protection of sheep,' approved June 15, 1852, approved March 2, 1865.

Which was read a first time, and referred to the Committee on Agriculture.

Mr. Wilson introduced

House bill No. 141. A bill regulating interest on money, and repealing all acts conflicting therewith.

Which was read a first time.

Mr. Honneus introduced

House bill No. 146. A bill to provide by law the construction of stopping points or stations, and the construction of side tracks on railroads, and prescribing penalties on railroad companies for the violation thereof.

Was read a first time, and referred to the Committee on the Rights and Privileges of the Inhabitants of this State.

Mr. Newcomb introduced

House bill No. 142. A bill authorizing the Board of Directors of street railroad companies to raise funds to discharge the indebtedness of such companies by issue of preferred stock, or pro rata assessment against stockholders, and to make all needful rules for the transfer and cancellation of stock.

Which was read a first time, and referred to the Committee on Railroads.

Mr. Woods introduced

House bill No. 143. A bill in relation to the competency of witnesses, and to repeal Section 238 of Article 13 of the act, entitled, "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852; and to repeal an act, entitled, "An act in relation to witnesses, and to repeal Section 238 of Article 13 of the act, entitled, "An act to revise, simplify and abridge the rules, practice, pleadings

and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852; and to repeal all laws inconsistent therewith, and providing when the act shall take effect and be in force—which took effect and went into force March 17, 1861—and to repeal all laws and parts of laws amendatory thereof or conflicting herewith, and providing when the act shall take effect and be in force.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Daggy offered the following resolution :

WHEREAS, Thos. Bowman, D. D., of Indiana Asbury University, has consented to deliver a lecture on the "Agricultural College;" therefore,

*Resolved*, That the use of the Hall of the House of Representatives be granted for said purpose on to-morrow evening, the 29th inst., at 7 o'clock P. M.

Which was agreed to.

Mr. Brucker offered the following resolution :

*Resolved*, That there be printed for the use of the General Assembly 300 copies of the report of the Directors of the Southern Prisons, without accompanying documents.

Which was agreed to.

Mr. Wason introduced

House bill No. 144. A bill to prevent the spread of disease among sheep.

Which was read a first time, and referred to the Committee on Agriculture.

Mr. Griggs introduced

House bill No. 145. A bill to amend the *fifth* clause of Section 22 of an act, entitled, "An act for the incorporation of towns, defin-

ing their powers, providing for the election of officers thereof, and declaring their duties," approved June 11, 1852.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Hamilton offered the following resolution :

WHEREAS, Dr. John Seaton, a citizen of Louisville, Kentucky, who has most of his time, during the past five years, been in the Territory of Colorado, will pass through this city on Thursday next, and, if invited, will deliver an address to the people of this city on the past, present and future of said Territory; therefore,

*Resolved*, That the Speaker of the House appoint a committee of three to extend to the Doctor an invitation to deliver the said address in this Hall, at 7 o'clock P. M.

Which was not concurred in.

Mr. Honneus introduced

House bill No. 146. A bill to provide by law the construction of stopping points or stations, and the construction of side tracks on railroads, and prescribing penalties on railroad companies for the violation thereof.

Which was read a first time, and referred to the Committee on Railroads.

Mr. Shook introduced

House bill No. 147. A bill to amend sections 10, 13, 14, 15, 16, 17 and 18 of an act, entitled, "An act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855.

Which was read a first time, and referred to the Committee on Fees and Salaries.

Mr. Thomas introduced

House bill No. 148. A bill to amend the first section of an act, entitled "An act for the protection of sidewalks in towns and villages, and for the preservation of shade trees planted along the same," approved March 3, 1859.

Which was read a first time, and referred to the Committee on Roads and Highways.



Mr. Ratliff offered the following resolution :

*Resolved*, That the Auditor of State be, and is hereby requested to furnish to the House of Representatives immediately, a report showing the amount of warrants drawn on the Treasury of the State, by whom drawn, and in whose favor on account of the State Soldiers' Claim Agency, both of Indianapolis and Washington City, specifying the years in which the same were drawn, and the law or appropriation giving authority therefor.

Which was agreed to.

Mr. Baker introduced

House bill No. 149. A bill to provide for taxing income arising on bond and other securities of the United States.

Which was read a first time, and referred to the Committee on Ways and Means.

Mr. Belford moved that when the House adjourn, it adjourn till to-morrow afternoon, at 2 o'clock.

Which was agreed to.

Mr. Belford introduced

House bill No. 150. An act to amend section 1 of an act to revise, simplify and abridge the rules, practice, pleadings and forms in Civil Courts in this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, and which reads: "The execution shall be returnable within one hundred and eighty days from its date."

Which was referred to the Committee on the Judiciary, without reading.

Mr. Gordon introduced

A Joint Resolution, instructing our Senators and requesting our Representatives in Congress to use their influence to secure the passage of a law equalizing the bounties of the soldiers of the late war for the Union.

Which was read a first time and referred to the Committee on Federal Relations.

Mr. Bird offered the following resolution :

*Resolved*, That the Committee on Education be requested to take into consideration the propriety of so amending the 33d section of the common school law, as to require teachers to be examined in the fundamental principles of Government, both State and National, in addition to those already specified in said section.

Which was not agreed to.

Mr. Sabin introduced

House bill No. 151. A bill to amend the thirteenth section of an act, entitled "An act providing for the qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Wilson introduced

House bill No. 152. A bill to amend the 4th section and repeal the 5th section of an act, entitled "An act to discourage the keeping of useless and sheep killing dogs, and providing penalties for the violation of any of the provisions of said act by officers and others, and also repealing an act to license dogs," approved March 11, 1861; and providing that nothing in this act shall be so construed as to conflict with the provisions of an act, entitled "An act for the protection of sheep," approved June 15, 1852, approved March 2, 1865.

Which was read a first time, and referred to the Committee on Agriculture.

Mr. Wolfe introduced

House bill No. 153. A bill to repeal Section 15 of an act, entitled "An act to create a State Normal School, and declaring an emergency," approved December 20, 1865.

Which was read a first time, and referred to the Committee on Education.

Mr. Belford offered the following resolution :

*Resolved*, That the Committee on Education is hereby instructed to inquire into the expediency of repealing so much of the first section of an act entitled, "An act to provide for a general system of common schools, &c., approved June 11, 1861, as exempts the negroes and mulattoes of this State from taxation for common school purposes, and derives them the benefit of the taxes levied, and collected under said act, and to report to the House by bill or otherwise.

Which was not agreed to.

Mr. Montgomery introduced

House bill No. 154. A bill to amend section five of an act entitled, "An act to discourage the keeping of useless and sheep killing dogs, and providing penalties for the violation of any of the provisions of said act by officers and others, and also repealing an act to license dogs," approved March 11, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled, "An act for the protection of sheep," approved June 15, 1852, approved March 2, 1865, and declaring an emergency.

Which was referred to the Committee on Agriculture, without reading.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER :

I am directed by the President of the Senate to present to the Speaker of the House of Representatives for his signature thereto, enrolled Senate act No. 69, entitled "An act to make an appropriation for the payment of Sheriffs' mileage.

Mr. Shook introduced

House bill No. 155. A bill to amend the second section of an act entitled "An act to discourage the keeping of useless and sheep killing dogs, and providing penalties for the violation of any of the provisions of said act by officers and others, and also repealing an act to license dogs," approved March 11, 1861, and providing that

nothing in this act shall be so construed as to conflict with the provisions of an act for the protection of sheep, approved June 15, 1852, approved March 2, 1865.

Which was referred to the Committee on Agriculture, without reading.

Mr. Scammahorn introduced

House bill No. 156. A bill to prevent certain persons from voting, or holding any office in the State of Indiana.

Which was read a first time, and referred to the Judiciary Committee.

Mr. Ratliff introduced

House bill No. 157. A bill to amend sections one, ten and fourteen of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865.

Which was read a first time, and referred to the Committee on Education.

On motion by Mr. McFadin, the House adjourned.

TUESDAY AFTERNOON, 2 O'CLOCK, }  
January 29, 1867. }

The House met.

On motion by Mr. Crain, the reading of the Journal was dispensed with.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of House Joint Resolution No. 2, instructing our Senators and requesting our Representatives in Congress to use their influence to have the interest-bearing debt of the United States first paid.

Mr. Lopp moved to recommit said House Joint Resolution No. 2 to the committee, with instructions to amend said resolution as follows:

Amend, by inserting at the end of the first resolution, the following words: "And for the passage of a law subjecting all Government securities to State and municipal taxation."

Which was ruled by the Speaker to be out of order.

Mr. White moved to recommit House Joint Resolution No. 2, with the following instructions:

Amend, by adding at the end of the first resolution, the following words: "And subject the Government securities and liabilities used for that purpose, to State, county and municipal taxation."

Which was ruled by the Speaker to be out of order.

Mr. McLean moved to postpone the further consideration of the subject, (House Joint Resolution No. 2,) until Tuesday next—one week from to-day, at 2 o'clock P. M.

Mr. Crain moved to amend by inserting Thursday of this week, instead of "Tuesday—one week from to-day."

Which was agreed to.

Mr. Newcomb moved that the House proceed to the orders of the day.

Which was agreed to.

Mr. Funk obtained leave to record his vote in the affirmative, on the passage of Senate Joint Resolution No. 1.

Mr. O'Neil obtained leave to record his vote in the negative, on the passage of Senate Joint Resolution No. 1.

Mr. Hungate obtained leave of absence until Thursday morning next.

Messrs. Shields and Hays obtained leaves of absence, on account of sickness.

On motion by Mr. Peelle, Mr. Watson was added to the Committee on the Organization of Courts.

## ORDERS OF THE DAY.

Senate bill No. 21. An act supplemental to an act approved March 5, 1859, entitled "An act authorizing the purchasers of railroads, plank roads, turnpike roads and macadamized roads, or parts thereof, under mortgaged sale or sales, made according to the terms of deeds of trust, to organize as incorporated companies, and prescribing their powers and duties," extending the time provided in said act for the organization of such distinct corporations by such purchasers.

Was taken up and read a third time.

The question being, shall said bill pass,

Those who voted in the affirmative were,

Messrs. Barritt, Belford, Bischof, Black, Blanch, Brucker, Carter, Chambers, Corey, Crain, Crowe, Daggy, Danaldson, Douglass, Dunn, Edmonson, Ervin, Foulke, Funk, Fuller, Gordon, Greer, Hartman, Hamilton, Hudson, Inman, Kizer, Litson, Long of Kosciusko, Martin, Mason, Matthis, McCarthy, McClasky, McFadin,

McLean, McMurray, Miller, Morrison, Newcomb, O'Neil, Peelle, Prather, Ratliff, Ross, Rosser, Sabin, Scammahorn, Shanks, Shook, Shull, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Stackhouse, Stafford, Thatcher, Thrasher, Thomas, Vawter, Wason, Watson, White, Wolfe, Woflin, Woods and Mr. Speaker—69.

Those who voted in the negative were,

Messrs. Hughes, Wilson and Wright—3.

The question being, shall the title as read stand as the title to said Senate bill No. 21.

It was agreed to.

The Clerk was ordered to inform the Senate of the passage of said bill.

#### SENATE BILLS ON SECOND READING.

Senate bill No. 17. A bill to amend the title of an act entitled "An act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain," approved June 15, 1852.

Was taken up and read a second time, and referred to the Committee on the Judiciary.

Senate bill No. 50. A bill to amend section 12 of an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed.

Was read a second time, and,

On motion by Mr. Newcomb, said bill was laid on the table.

Senate bill No. 24. A bill to legalize the acknowledgements of all deeds, mortgages and other instruments required to be recorded, taken and certified by Notaries Public, who took and certified such acknowledgements after their commissions had expired and their

appointments had been vacated, by accepting and holding a lucrative office.

Was read a second time, and referred to the Judiciary Committee.

The Speaker announced that he had signed Senate bill No. 69.

#### HOUSE BILLS ON SECOND READING.

House bill No. 89 was read a second time, and ordered to be engrossed.

House bill No. 24 was read a second time, and the amendments heretofore reported by the committee, were concurred in. Said bill, with amendments, were then ordered to be engrossed for a third reading.

House bill No. 17. A bill in relation to conveyances of land, by wives of persons of unsound mind.

Was read a second time, the amendments heretofore reported by the committee were concurred in, and said bill, with amendments, ordered to be engrossed.

House bill No. 65. A bill to provide for the protection of fur-bearing animals, otter, mink, raccoon and muskrat, and defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, and declaring an emergency

Was read a second time, the amendments heretofore reported by the committee were concurred in, and said bill, with amendments, were ordered to be engrossed for a third reading.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the President of the Senate to inform the House that he has signed enrolled Senate act No. 69, and has transmitted the same to the Executive of the State, for his signature thereto.

House bill No. 106. A bill to amend section seven of an act



entitled "An act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855.

Was read a second time.

Mr. Kiser moved to lay said bill on the table.

Which was not agreed to.

Mr. Newcomb moved that said bill be referred to the Committee on the Judiciary.

Which was agreed to.

House bill No. 111. A bill limiting the liabilities of inn-keepers.

Was read a second time, and,

On motion by Mr. Ross, said bill was referred to the Committee on the Judiciary.

House bill No. 49 was read a second time.

Mr. Newcomb moved to refer said bill to the Special Committee on Re-districting the State for Judicial Purposes.

Which was agreed to.

House bill No. 50. A bill defining what counties shall constitute the Thirteenth Judicial Circuit, and fixing the times of holding courts therein.

Was read a second time, and referred to the Special Committee on Re-districting the State for Judicial Purposes.

House bill No. 51 was read a second time, and referred to the Special Committee on Re-districting the State for Judicial Purposes.

House bill No. 72. A bill to amend an act entitled "An act to authorize the removal of convicts from the Southern State Prison to the Northern State Prison, and providing for the employment of convicts in each of said prisons, directing what counties shall send their convicts to the Northern State Prison, and providing for carrying on the work in building said Northern State Prison, and

making appropriations for the support of said prison," approved June 1, 1861.

Was read a second time, and ordered to be engrossed.

House bill No. 84 was read a second time.

Mr. Wolfe moved to amend by striking out "three years" and inserting "two years."

Mr. Black moved to amend by inserting "one year."

Mr. Shuey moved that the whole subject be indefinitely postponed.

Which was not agreed to.

The question being on the amendment offered by Mr. Black. Said amendment was not agreed to.

The question being on the amendment offered by Mr. Wolfe.

Mr. Crain moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the amendment offered by Mr. Wolfe. It was agreed to.

Said bill was then ordered to be engrossed.

House bill No. 93 was read a second time.

Mr. Newbomb moved to amend said bill as follows:

*Provided*, That if any passenger shall pass out of such car while in motion, in violation of a rule of the Railroad Company, printed and posted up in said car, and in consequence thereof such passenger shall be injured without fault on the part of such Railroad Company, the latter shall not be liable to damages for such injury.

Mr. Belford moved to lay the amendment offered by Mr. Newcomb on the table.

Which was agreed to.

And said bill was ordered to be engrossed.

House Joint Resolution No. 3, was read a second time.

On motion by Mr. Daggy, said resolution was indefinitely postponed.

House Joint Resolution No. 5, was read a second time.

Mr. Daggy moved to postpone it indefinitely.

Mr. Newcomb moved to amend by postponing the same for thirty days.

Which was agreed to.

House bill No. 83 was read a second time, and the amendments heretofore offered were concurred in.

Mr. Hughes moved to amend said bill by striking out the word "fish" wherever the same occurs.

Which was agreed to.

House bill No. 83 was ordered to be engrossed.

House bill No. 39 was taken up and read a second time, and the bill, with the amendments heretofore reported by the Committee, were ordered to be engrossed.

House bill No. 117 was read a second time, and the amendments heretofore reported by the Committee were read and adopted.

The bill was ordered to be engrossed.

House bill No. 59 was read a second time, and ordered to be engrossed.

House bill No. 40 was read a second time, and ordered to be engrossed.

House bill No. 107 was read a second time, and ordered to be engrossed.

House bill No. 53 was read a second time, and ordered to be engrossed.

#### HOUSE BILLS ON THIRD READING.

House bill No. 11. A bill amending section ten of an act regulating the fees of officers and repealing former acts in relation thereto, approved March 2, 1855.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Belford, Bischof, Campbell, Chambers, Corey, Crain, Crowe, Daggy, Danaldson, Douglass, Dunn, Ervin, Evans, Foulke, Funk, Geisendorff, Gordon, Greene, Hartman, Hamilton, Hays, Honneus, Hostetter, Hudson, Hughes, Long of Kosciusko, Lopp, Martin, Matthis, McCarthy, McFadin, McLean, McMurray, Moore, Morrison, Montgomery, Newcomb, O'Neil, North, Peelle, Prather, Ratliff, Ross, Rosser, Sabin, Scammahorn, Shanks, Shook, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Stackhouse, Stafford, Stewart, Tebbs, Thatcher, Thrasher, Thomas, Vawter, Wason, Watson, Williams, Wilson, Wolfer, Wolfli, Woods, Wright, and Mr. Speaker—69.

Those who voted in the negative were,

Messrs. Black, Blanch, Carter, Edmunson, Fuller, Greer, Griggs, Inman, Kiser, McClasky, Miller, Shull, and Wolfe—13.

So the bill passed.

The question being, shall the title as read stand as the title to the bill?

It was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

The Speaker laid before the House the following communication and statement from the Auditor of State:

OFFICE OF AUDITOR OF STATE, }  
INDIANAPOLIS, January 29, 1867. }

HON. DAVID C. BRANHAM,

*Speaker of the House of Representatives:*

SIR:—In reply to a resolution adopted by the House on the 22d instant, I have the honor to transmit herewith a statement showing the amount of tax for the relief of soldiers' families levied upon the duplicates of 1865, in the several counties in this State, together with the net collections, and the amount paid into the State Treasury from the several counties, and the apportionment made by the Auditor of State, August 10, 1865.

There are no reports in this office showing the operations of the fund in the several counties.

Very respectfully, your obedient servant,

T. B. McCARTY,

*Auditor of State.*

*STATEMENT Showing the Amount of Tax for the Relief of Soldiers' Families levied upon the Duplicate of 1865, in the several Counties in this State, together with the net Collections and the Amount paid into the State Treasury from each, and the Apportionment made by the Auditor of State, August 10, 1865.*

Number.	COUNTIES.	Amount of Tax on Duplicate.	Amount of net Collections.	Am't paid into State Treasury.	No. of Beneficia- ries in each Co.	Amount appor- tioned to each County.
1	Adams.....	\$8,913 14	\$7,889 83	\$394 50	2178	17,598 24
2	Allen.....	32,198 58	28,633 11	1,431 65	4224	34,129 92
3	Bartholomew.	29,429 73	25,786 77	1,289 33	2669	21,565 52
4	Benton.....	7,335 60	5,611 61	280 58	282	2,278 56
5	Blackford....	3,452 90	2,730 84	136 54	790	6,383 20
6	Boone.....	27,871 42	25,409 62	1,270 48	2363	19,093 04
7	Brown.....	5,075 38	4,080 29	204 01	1853	14,972 24
8	Carroll.....	23,254 49	19,537 92	976 89	1712	13,832 96

*Statement Showing the Amount of Tax for the Relief of Soldiers' Families—Continued.*

Number.	COUNTIES.	Amount of Tax on Duplicate.	Amount of net Collections.	Am't paid into State Treasury.	No. of Beneficia- ries in each Co.	Amount appor- tioned to each County.
9	Cass.....	25,641 36	20,835 10	1,041 75	2130	17,210 40
10	Clark.....	27,246 94	18,331 92	916 59	2373	19,173 84
11	Clay.....	14,458 90	11,097 51	554 87	2639	21,323 12
12	Clinton.....	20,355 41	17,314 57	865 73	1838	14,851 04
13	Crawford....	6,815 62	5,419 44	270 97	2005	16,200 40
14	Daviess.....	14,866 48	12,177 64	608 88	1937	15,650 96
15	Dearborn....	30,295 47	27,825 16	1,391 25	2655	21,452 40
16	Decatur.....	29,688 05	25,079 86	1,254 00	1873	15,133 84
17	DeKalb.....	11,493 06	9,713 10	485 65	1859	15,020 72
18	Delaware....	24,806 94	21,365 45	1,068 27	1905	15,392 40
19	Dubois.....	9,330 91	8,223 11	411 15	1522	12,297 76
20	Elkhart.....	28,145 99	26,064 56	1,303 22	2351	18,996 08
21	Fayette.....	21,144 09	18,796 24	939 81	631	5,098 48
22	Floyd.....	25,643 65	20,208 77	1,010 43	2307	18,640 56
23	Fountain....	23,098 22	19,600 41	980 02	2272	18,357 76
24	Franklin....	24,770 66	22,356 88	1,117 84	1728	13,962 24
25	Fulton.....	8,782 97	6,888 51	344 42	1466	11,845 28
26	Gibson.....	24,297 81	22,205 05	1,110 25	2152	17,388 16
27	Grant.....	15,295 59	12,643 95	632 19	3009	24,312 72
28	Greene.....	15,756 65	12,151 06	607 55	4739	38,291 12
29	Hamilton....	19,815 83	16,414 33	820 71	2927	23,650 16
30	Hancock....	16,891 89	14,259 71	712 98	2357	19,044 56
31	Harrison....	16,059 80	13,645 65	682 28	3907	31,568 56
32	Hendricks....	28,425 81	25,304 86	1,265 24	2445	19,755 60
33	Henry.....	31,962 75	28,749 77	1,437 48	2107	17,024 56
34	Howard.....	16,867 11	14,283 07	714 15	2285	18,462 80
35	Huntington...	15,547 82	12,529 92	626 49	2444	19,747 52
36	Jackson.....	25,143 30	21,084 63	1,054 23	4421	35,721 68
37	Jasper.....	7,102 21	5,568 67	254 46	1074	8,677 92
38	Jay.....	10,810 57	8,743 04	437 15	2783	22,486 64
39	Jefferson....	27,205 56	23,635 40	1,181 77	3625	29,290 00
40	Jennings....	14,185 10	12,051 66	602 58	1910	15,432 80
41	Johnson...	27,473 12	24,356 48	1,217 82	1530	12,362 40
42	Knox.....	23,023 59	16,703 43	835 17	2651	21,420 08
43	Kosciusko....	23,290 33	19,873 54	993 67	2417	19,529 36
44	Lagrange....	16,115 90	13,845 08	692 25	1275	10,302 00

*Statement Showing the Amount of Tax for the Relief of Soldiers' Families—Continued.*

Number.	COUNTIES.	Amount of Tax on Duplicate.	Amount of net Collections.	Am't paid into State Treasury.	No. of Beneficia- ries in each Co.	Amount appor- tioned to each County.
45	Lake.....	9,563 13	6,321 80	316 09	1092	8,823 36
46	Laporte.....	30,147 76	25,150 22	1,257 51	2168	17,517 44
47	Lawrence.....	24,280 40	21,861 07	1,093 05	2241	18,107 28
48	Madison.....	24,508 98	19,146 49	957 32	2028	16,386 24
49	Marion .. . .	105,426 44	87,569 93	4,378 49	5273	42,605 84
50	Marshall.....	14,524 89	12,040 11	602 00	2919	23,577 44
51	Martin.....	6,923 28	5,712 56	285 62	2737	22,114 96
52	Miami.....	20,956 23	18,345 76	917 28	2303	18,608 24
53	Monroe.....	16,312 49	13,877 65	693 88	1783	14,406 64
54	Montgomery .	38,646 36	34,328 90	1,716 44	2101	16,976 08
55	Morgan.. . .	19,612 60	16,348 69	817 43	2172	17,549 76
56	Newton.....	5,111 93	3,688 26	184 41	543	4,387 44
57	Noble .....	14,948 10	13,124 52	656 22	2159	17,444 72
58	Ohio.....	5,934 32	5,155 70	257 78	570	4,605 60
59	Orange.....	14,916 05	12,805 32	640 26	2134	17,242 72
60	Owen.....	17,640 34	14,583 07	729 15	2163	17,477 04
61	Parke .....	27,307 51	24,082 27	1,204 11	1993	16,103 44
62	Perry.....	12,216 01	9,356 69	467 83	2210	17,856 80
63	Pike. ....	11,451 16	9,547 37	477 36	2888	22,335 04
64	Porter.....	12,971 16	10,733 63	536 68	2136	17,258 88
65	Posey .....	22,571 51	18,333 17	916 66	2131	17,218 48
66	Pulaski.....	6,422 68	4,728 25	236 41	1704	13,768 32
67	Putnam.....	35,481 32	32,806 25	1,640 31	1770	14,301 60
68	Randolph....	25,466 04	19,615 10	980 75	2504	20,232 32
69	Ripley.....	14,641 97	11,240 25	562 01	2959	23,908 72
70	Rush.....	32,852 01	29,559 91	1,477 99	2256	10,148 48
71	Scott.....	6,535 82	4,788 70	239 43	1860	15,028 80
72	Shelby.....	29,478 92	24,781 91	1,239 09	2564	20,717 12
73	Spencer.....	18,701 34	15,162 03	758 10	2564	20,717 12
74	Starke.....	2,754 75	1,753 10	87 65	751	6,068 08
75	St. Joseph....	24,873 58	21,007 32	1,050 36	2618	21,153 44
76	Steuben .....	9,561 68	8,020 64	401 03	1835	14,826 80
77	Sullivan .....	17,568 36	12,917 26	645 86	3663	29,597 04
78	Switzerland..	12,966 35	10,689 58	534 47	2101	16,976 08
79	Tippecanoe...	53,342 87	44,308 68	2,215 43	3418	27,617 44
80	Tipton.....	10,189 34	7,629 28	381 46	2211	17,864 88

*Statement Showing the Amount of Tax for the Relief of Soldiers' Families—Concluded.*

Number.	COUNTIES.	Amount of Tax on Duplicate.	Amount of net Collections.	Am't paid into State Treasury.	No. of Beneficia- ries in each Co.	Amount appor- tioned to each County.
81	Union.....	15,173 41	13,931 34	696 56	452	3,652 16
82	Vanderburgh..	38,699 26	31,062 61	1,552 63	1385	11,190 80
83	Vermillion...	14,655 79	12,477 37	623 86	1574	12,717 92
84	Vigo.....	44,303 61	36,791 19	1,839 55	2455	19,836 40
85	Wabash.....	23,465 72	21,839 27	1,091 96	2972	24,013 76
86	Warren.....	19,254 55	16,413 66	820 68	1321	10,665 60
87	Warrick.....	17,757 39	13,802 96	690 14	2842	22,963 36
88	Washington..	22,706 32	18,049 17	996 23	3250	26,260 00
89	Wayne.....	58,491 10	49,940 66	2,497 03	2898	23,415 84
90	Wells.....	9,559 33	8,299 74	414 98	2226	17,986 08
91	White.....	13,744 50	9,804 84	490 24	1655	13,372 40
92	Whitley.....	11,821 64	10,538 74	526 93	1554	12,556 32

Mr. Crain offered the following resolution :

*Resolved,* That until otherwise ordered, the regular hour for the meeting of this House shall be 9 o'clock A. M., and that there shall be but one session of the House daily, leaving the afternoon for the sessions of the committees.

Which was agreed to.

Mr. Moore obtained leave of absence until Thursday next.

Mr. Ross offered the following resolution :

*Resolved,* That this House invites Dr. John S. Seaton, of Colorado to lecture in this Hall on Thursday evening next, on the subject of the mining interests of the country, to the members of the Legislature.

Which was agreed to.



Mr. Belford offered the following resolution :

*Resolved*, That the Committee on Railroads be and the same is hereby authorized and empowered to send for persons and papers, so far as the same may be made necessary by the investigation now being prosecuted.

Which was adopted.

Mr. Greene offered the following resolution :

WHEREAS, Congress has passed an act authorizing the States to assess and tax the shares of stock in the National Banks, which act has been held valid and constitutional.

AND WHEREAS, The said shares of stock cannot be assessed and taxed under the existing laws of this State; therefore,

*Resolved*, That the Committee on Ways and Means be and is hereby directed to report a bill amending the revenue laws of this State so as to provide for the assessment and taxation of all the shares of stock held in the National Banks of this State, and that the said bill shall provide that the said shares of stock shall be listed, and the taxes paid by the officers of said banks; and not by the individual share-holders.

Which was referred to the Committee on Ways and Means.

Mr. Hughes introduced,

House bill No. 158. A bill in relation to the compounding and concealing of crimes, and the compounding of prosecutions, and prescribing penalties therefor.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Geisendorff introduced,

House bill No. 159. An act to amend sections six hundred and forty-nine and six hundred and fifty of the act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice

in a uniform mode of pleadings and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Prather presented the following communication:

*To the General Assembly of the State of Indiana:*

The undersigned proposes to lease the Southern State Prison, near Jeffersonville, Clarke county, Indiana, with the grounds, buildings, machinery, tools and fixtures of every kind belonging to the State of Indiana, thereunto pertaining, together with the labor of the convicts now confined there, or to be confined there, under the existing laws of the State of Indiana, for and during the term of ten years from and after the —— day of March, 1867, subject to the contracts now made for convict labor, the State to assign said contracts to me; and I propose to pay all expenses for feeding, clothing, guarding, and taking care of the convicts, including salary of Chaplain, Physician, medicines and medical attendance, such physician to be selected by myself, giving bond in the sum of fifty thousand dollars to the State of Indiana, with sureties to be approved by the Governor and Board of Directors, conditioned for the faithful discharge of the duties of lessee pertaining to this proposal.

S. H. PATTERSON.

Mr. Prather introduced,

House bill No. 160. A bill leasing the Southern Prison, and providing for the appraisement and transfer of the property belonging to the State in and about said prison to the lessee.

Which was read a first time, and referred to the Committee on the Judiciary.

On motion by Mr. Daggy,

Messrs. Spencer and Shields were added to the Committee on Temperance.

On motion by Mr. Belford,

Mr. Miller was added to the Committee on the Judiciary.

Mr. Greene called up the following notice submitted on yesterday:

I hereby give notice that on to-morrow I shall move to suspend the rules adopted to-day for the government of the House, until the same are printed and placed in the possession of the members.

Mr. Greene asked and obtained leave to amend his notice, so as make the same applicable to the amended rules adopted yesterday.

Pending the consideration of which,

On motion by Mr. McFadin, the House adjourned.

WEDNESDAY MORNING, 9 O'CLOCK, }  
January 30, 1867. }

The House met.

On motion by Mr. Shuey, the reading of the Journal was dispensed with.

PETITIONS, MEMORIALS, CLAIMS, ETC.

By Mr. Shuey,

A petition from sundry citizens of Elkhart and Lagrange counties, in relation to a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Vawter,

A petition from sundry citizens of Johnson county, praying for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Tebbs,

A petition from sundry citizens of Dearborn county, praying for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Black,

A petition from sundry citizens of Madison county, praying for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Barritt,

A petition from sundry citizens of Bartholomew county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Stewart,

A petition from sundry citizens of Rush county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Watson,

A petition from sundry citizens of Randolph county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Peelle,

A memorial from the Society of Friends, in relation to certain laws effecting the treatment of the suffering, and of colored children.

Which was read, and referred to the Committee on Benevolent Institutions.

The Speaker laid before the House the reports of the branches of the Bank of the State of Indiana.

Also, the report of the Bank of the State of Indiana.

Which was referred to the Committee on Banks.

By Mr. Higgins,

A petition from sundry citizens of Laporte county, praying for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. McCarthy,

A petition from sundry citizens of Porter county, praying for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Newcomb,

A petition from sundry citizens of Indianapolis, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Martin,

A petition from sundry citizens of Wayne county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. McFadin,

A petition from sundry citizens of Cass county, praying for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Gordon,

A petition from sundry citizens of Boone county, praying for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Chambers,

A petition from sundry citizens of Henry county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Skidmore,

A petition from sundry citizens of Vermillion county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Ferris,

A petition from citizens of St. Joseph county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Greer,

A petition from sundry citizens of Morgan county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Douglass,

A petition from sundry citizens of Whitley county, praying for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Lopp,

A petition from sundry citizens of Harrison county, praying for an appropriation to reimburse the citizens of the State of Indiana in their losses occasioned by the Morgan raid.

Which was referred to the Committee on Claims.

By Mr. Hamilton,

A petition from sundry citizens of Marion county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Newcomb,

A memorial from sundry members of the bar of Marion county,

asking for the formation of a Judicial Circuit for civil business within the bounds of Marion county alone.

Which was read, and referred to the Special Committee on Redistricting the State for Judicial Purposes.

By Mr. Prather,

A memorial from George Measland, asking to be reimbursed for loss of a horse in the Morgan raid, to the amount of seventy-five dollars.

Which was referred to the Committee on Claims, without reading.

By Mr. Litson,

A petition from sundry citizens of Switzerland county, in relation to Courts.

Which was read, and referred to the Committee on Organization of Courts.

By Mr. Long of Kosciusko,

A petition from sundry citizens of Kosciusko county, praying for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Wolfe,

A petition from sundry citizens of Sullivan county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Matthis,

A petition from sundry citizens of Harrison county, praying for an appropriation to reimburse the citizens of the State in their losses occasioned by the Morgan raid.

Which was referred to the Committee on Claims, without reading.

By Mr. Funk,

A petition from sundry school officers and teachers of Kosciusko



county, asking an increase of the annual levy of taxes for school purposes.

Which was referred to the Committee on Education, without reading.

By Mr. Bird,

A petition from sundry citizens of Gibson county, praying for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. McMurray,

A petition from sundry citizens of Putman county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. McLean,

A petition from sundry citizens of Vigo county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

#### REPORTS OF STANDING COMMITTEES.

Mr. Shuey, from the Committee on Elections, made the following report:

MR. SPEAKER:

The committee to whom was referred House bill No. 139, entitled a bill to amend section five of an act entitled "An act to provide for a more uniform mode of doing township business, prescribing the duties of certain officers connected therewith, and repealing all laws conflicting with this act," approved February 18, 1859, have had the same under consideration, and have directed me to report that they are of the opinion that legislation on that subject is inexpedient, and recommend that the same be indefinitely postponed.

Which report was laid on the table.

On motion by Mr. Newcomb, the Committee on Ways and means was granted leave of absence during the session to-day.

Mr. Sabin, from the Committee on Fees and Salaries, made the following report:

MR. SPEAKER:

The Committee on Fees and Salaries, to whom was referred House bill No. 127—a bill repealing an act requiring certain State and county officers to report annually the amount of their fees and salaries, a copy of which is to be filed with the Auditor of State—beg leave to report that they have had the same under consideration, and that they deem the repeal of said act inexpedient.

Which was concurred in.

Mr. Shook, from the Committee on County and Township Business, made the following report:

MR. SPEAKER:

The committee to whom was referred House bill No. 99, entitled "An act to empower the Board of County Commissioners of the several counties of this State to convey cemeteries to cities and incorporated towns," have had the same under consideration, and instruct me to report the same to the House and recommend its passage.

Which was laid on the table.

Mr. Shook, from the Committee on Roads, made the following report:

MR. SPEAKER:

The committee to whom was referred House bill No. 148, entitled "An act to amend the first section of an act entitled 'an act for the protection of sidewalks in towns and villages, and for the preservation of shade trees planted along the same,'" approved March 3, 1859, have had the same under consideration, and instruct me to report said bill to the House, recommending its passage.

Which was laid on the table.

Mr. McLean offered House Joint Resolution No. 8:

WHEREAS, The Legislature of Indiana, at its forty-third regular session, passed Joint Resolution No. 2, entitled "A Joint Resolution proposing an amendment to article eight of the Constitution, so as to enable cities and towns to levy taxes for the support of common schools," approved March 6, 1865, which Joint Resolution provided as follows: "*Be it resolved by the General Assembly of the State of Indiana*, That the following amendment be proposed to the Constitution of the State, and be agreed to and submitted to the electors for their adoption or rejection: *Provided*, The same is agreed to by a majority of all the members elected to the General Assembly, chosen at the next general election. That there be added to article eight of the Constitution the following section: 'Incorporated cities and towns shall have power, by taxation, under regulations prescribed by the General Assembly, to raise revenue for the support of common schools, in addition to the revenue derived for that purpose from the State;'" therefore,

*Be it resolved*, That the said Joint Resolution be agreed to by the members of this General Assembly, and that the same be submitted to the electors at the State election to be held in October next, as an amendment to the State Constitution.

Which was read a first time, and referred to the Committee on Education.

Mr. Ratliff offered the following resolution:

*Resolved*, That the Committee on Temperance be requested to report to this House, toward the close of the session, the number of petitions, and the number of signatures to the same, on the subject of temperance.

Which was read and adopted.

Mr. Kiser offered the following resolution:

*Resolved*, That the Auditor of State be required to report to this House, at as early a day as practicable, the aggregate annual amount of appropriations made and drawn from the Treasury of the State to defray the expenses of the Executive of State, Secre-

tary hire, and all contingencies and incidentals connected with the office and mansion of His Excellency the Hon. O. P. Morton, during the entire period of his term of office as Governor of the State of Indiana; also, the deficiency, if any, to be provided for by future legislation.

Mr. Hartman moved that the resolution be referred to the Committee on Public Expenditures.

Mr. Higgins moved to lay said resolution on the table.

The question being, shall said resolution be laid on the table?

Messrs. Baker and Greene demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bischof, Daggy, Gordon, Higgins, Hughes, Mason, McClasky, McLean, Peelle, Ross, Sabin, Shuey, and Spencer.—13.

Those who voted in the negative were,

Messrs. Baker, Barritt, Belford, Bird, Black, Blanch, Bobo, Brucker, Campbell, Carter, Chambers, Corey, Crain, Crowe, Dandaldson, Douglass, Dunn, Edmonson, Ervin, Evans, Ferris, Foulke, Funk, Fuller, Geisendorff, Greene, Greer, Griggs, Hartman, Hamilton, Honneus, Hostetter, Hudson, Hungate, Inman, Kiser, Litson, Long of Jackson, Long of Kosciusko, Lopp, Martin, Matthis, McCarthy, McFadin, McMurray, Montgomery, O'Neil, North, Prather, Ratliff, Rosser, Scammahorn, Shanks, Shook, Shull, Skidmore, Smith of Lagrange, Smith of Wabash, Stackhouse, Stafford, Stewart, Tebbs, Thacher, Thrasher, Thomas, Vawter, Wason, Watson, Williams, Wilson, White, Wolfe, Wolflin, Wolfer, Woods, and Mr. Speaker—76.

So the motion to lay on the table did not prevail.

Mr. Chambers moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on referring said resolution to the Committee on Public Expenditures.

Messrs. White and McFadin demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Belford, Blanch, Brucker, Chambers, Crain, Daggy, Dandaldson, Dunn, Evans, Ferris, Foulke, Funk, Geisendorff, Greer, Griggs, Hartman, Hamilton, Hughes, Long of Kosciusko, Martin, McCarthy, McLean, McMurray, North, Peelle, Prather, Ratliff, Ross, Rosser, Sabin, Shook, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stafford, Stewart, Thrasher, Thomas, Wason, Watson, Wolfer, Wolflin, Woods, and Mr. Speaker—46.

Those who voted in the negative were,

Messrs. Baker, Barritt, Bird, Black, Bobo, Carter, Corey, Crowe, Douglass, Edmonson, Ervin, Fuller, Greene, Honneus, Hostetter, Hudson, Hungate, Inman, Kiser, Long of Jackson, Lopp, Matthis, McClasky, McFadin, Montgomery, O'Neil, Scammahorn, Shanks, Shull, Stackhouse, Tebbs, Thacher, Vawter, Williams, Wilson, White, and Wolfe—37.

So the motion to refer said resolution to the Committee on Public Expenditures prevailed.

Mr. Fuller introduced

House bill No. 161. A bill to amend sections 123 and 124 of an act entitled "An act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of Township Assessors, and prescribing the duties of Assessors, appraisers of real property, County Treasurers and Auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. McLean introduced

House bill No. 162. A bill to repeal an act entitled "An act prescribing who may make a will, the effect thereof, what may be

devised, regulating the revocation, admission to probate and contest thereof," approved May 31, 1852, approved December 21, 1865.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Morrison obtained leave of absence until to-morrow morning.

Mr. Smith, of Lagrange, introduced

House bill No. 163. A bill authorizing the Board of County Commissioners to establish water courses, and locate ditches in certain cases, and repealing all laws inconsistent therewith.

Which was read a first time, and referred to the Committee on Swamp Lands.

Mr. Stackhouse introduced

House bill No. 164. A bill to amend an act entitled an act to regulate the remission of fines and forfeitures, approved June 14, 1852.

Which was read a first time, and passed to a second reading.

Mr. Thrasher introduced

House bill No. 165. A bill for the incorporation of the Eclectic Medical Association of the State of Indiana, and auxiliary local Eclectic Medical Associations.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Daggy introduced

House bill No. 166. A bill to amend section twenty-eight of an act entitled an act defining felonies and prescribing punishment therefor, approved June 10, 1852.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Stafford introduced

House bill No. 167. A bill to amend the fifth section of an act entitled an act to provide for a general system of Common Schools, the officers thereof, and their respective powers and duties, and

matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1865.

Which was read a first time, and referred to the Committee on Education.

Mr. Fuller introduced

House bill No. 168. An act to amend the first section of an act entitled an act prohibiting Supreme, Circuit, or Common Pleas Judges, County Clerks, Auditors, Treasurers, Recorders, Sheriffs, and their deputies, from practicing law in any of the courts of this State, except as in this act permitted, and prescribing punishment for the violation thereof, approved March 6, 1865.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Brucker offered the following resolution :

*Resolved*, That the Committee on the Southern Prison be granted leave of absence on Monday next for the purpose of reporting on the same, and return as soon as practicable.

Which was read and adopted.

Mr. Hartman offered the following resolution :

*Resolved*, That the Committee on Railroads be instructed to inquire into the expediency of passing a law regulating the consolidation of railroad companies in this State, and report by bill or otherwise.

Which was agreed to.

Mr. McLean introduced

House bill No. 169. A bill to establish an Insurance Department, to create the offices necessary to its existence, to define their duties, to define the duties of insurance companies in connection therewith, to create penalties for the non-compliance with the laws, and to repeal laws inconsistent therewith.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Montgomery introduced

House bill No. 170. A bill to provide for the support of private schools and matters properly connected therewith.

Which was read a first time, and referred to the Committee on Education.

Mr. Woods introduced

House bill No. 171. A bill concerning witnesses, providing that no person shall be held incompetent to be a witness by reason of race or color, and repealing an act entitled "An act defining who shall be competent witnesses in any court or judicial proceeding in this State, and to repeal all laws and parts of laws in conflict with the provisions of this act," approved December 20, 1865.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Scammahorn introduced

House bill No. 172. An act concerning the laying out of towns and additions to towns and cities.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Shuey offered the following resolution :

*Resolved*, That hereafter no member shall speak more than twenty minutes on any one subject without leave of the House :  
*Provided, however*, That the mover may, in all cases, close the debate.

Mr. Wolfe moved to amend said resolution by striking out the proviso.

Mr. Douglass moved to lay the resolution on the table.

Which was not agreed to.

The question being on the adoption of the amendment offered by Mr. Wolfe,

Messrs. Wolfe and Kiser demanded the ayes and noes.



Those who voted in the affirmative were,

Messrs. Baker, Bird, Black, Bobo, Crowe, Edmonson, Fuller Griggs, Honneus, Hudson, Hungate, Inman, Kiser, Litson, Long of Jackson, Martin, McFadin, Stackhouse, and Wolfe—19.

Those who voted in the negative were,

Messrs. Barritt, Blanch, Brucker, Campbell, Corey, Crain, Daggy, Danaldson, Douglass, Dunn, Ervin, Evans, Ferris, Funk, Greene, Greer, Hartman, Hamilton, Higgins, Hopkins, Hostetter, Long of Kosciusko, Lopp, Mason, McCarthy, McClasky, McMurray, Newcomb, North, Peele, Prather, Ratliff, Ross, Rosser, Sabin, Scammarhorn, Shanks, Shook, Shoaff, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stafford, Stewart, Tebbs, Thacher, Thrasher, Thomas, Wason, Williams, White, Wolfer, Wolfin, Woods, Wright, and Mr. Speaker—62.

So the amendment was not agreed to.

The question then recurring on the adoption of the resolution,  
It was agreed to.

Mr. Woods introduced

House bill No. 173. A bill supplemental to an act concerning real property and the alienation thereof, approved May 6, 1852, and to enable vendees of real property to remove and secure themselves against incumbrances thereon.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. White offered the following resolution:

*Resolved*, That the Auditor of State be, and he is hereby required to report to this House the aggregate amount of fees, perquisites and emoluments of each of the county officers, reported as required by law, for the year 1866, and forwarded to the office of the Auditor of State, to be therein filed for safe keeping, and subject to the call of the General Assembly, according to the provisions of an act approved June 3, 1861.

Which was agreed to.

Mr. Long, of Kosciusko, obtained leave of absence until next week.

Mr. Peelle introduced

House bill No. 174. A bill to encourage the republication of Blackford's Reports and appropriating money to pay for the same.

Which was read a first time, and referred to the Committee of Ways and Means.

Mr. Newcomb introduced

House bill No. 175. A bill to amend an act entitled an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases, approved June 9, 1852.

Which was read a first time, and referred to the Committee on the Organization of Courts of Justice.

Mr. Montgomery introduced

House bill No. 176. An act to amend section three of an act entitled an act declaratory of the law regulating marriages, and enforcing the provisions thereof by proper penalties, approved March 5, 1852.

Which was read a first time, and referred to the Committee on Rights and Privileges.

Mr. Stewart introduced

House bill No. 177. An act to amend the third section of an act repealing all general laws now in force for the incorporation of cities, providing for the incorporation of cities, prescribing their powers, rights and duties, and the manner in which they shall exercise the same, and regulating other matters properly connected therewith, and repealing certain acts therein specified, approved December 2, 1865.

Which was read a first time, and referred to the Committee on Congressional Apportionment.

Mr. Vawter offered the following resolution:

*Resolved*, That the Committee on Roads be instructed to in-

quire what legislation is necessary to protect gravel roads against hogs running at large, and report by bill or otherwise.

Which was agreed to.

Mr. Higgins offered the following resolution:

*Resolved*, That the Librarian report to this House the number of volumes sold by him of the Adjutant General's Report deposited in the library, and the amount received for the same.

Which was agreed to.

Mr. Watson introduced

House bill No. 178. A bill to amend the thirty-third section of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Peelle introduced

House bill No. 179. A bill authorizing any person desiring to erect a flouring mill, or other machinery to be propelled by water, on his own land, to erect a dam and make a race-way above such mill or machinery, on and through lands belonging to other persons, and to regulate the assessment and payment of damages therefor, being an act supplemental to article 41, chapter 1, of part 2, of the Revised Statutes of 1852,

Which was read a first time, and referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

Mr. Hartman introduced

House bill No. 180. An act to provide for compensation to the owners of animals killed or injured by the rolling stock of any railroad, when such road is not fenced, excepting places not proper to

be fenced, repealing all laws in conflict herewith, and declaring an emergency.

Which was read a first time, and referred to the Committee on Railroads.

Mr. Brucker offered the following resolution:

*Resolved*, That the Committee on Mileage be herewith respectfully requested to report a bill regulating the mileage of county sheriffs in conveying convicts from their county seats to the Northern and Southern State Prisons.

Which was agreed to:

Mr. Newcomb introduced

House bill No. 181. A bill to amend an act approved March 11, 1861, being to amend an act entitled "An act authorizing County Agricultural Societies to purchase and hold real estate," approved February 7, 1855, and to authorize such societies to issue capital stock, and to confirm and ratify all purchases of real estate made by any Agricultural and Mechanical Society under their by-laws, not exceeding eighty acres of land.

Which was read a first time, and referred to the Committee on Agriculture.

Mr. Kizer introduced

House bill No. 182. An act to amend the first section of an act entitled "An act to provide for valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of Township Assessors, and prescribing the duties of Assessors, Appraisers of real property, County Treasurers and Auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.

Which was read a first time, and referred to the Committee on Fees and Salaries.

Mr. Kiser introduced

House bill No. 183. An act prescribing the fees of the Sheriffs of the several counties in this State, and repealing all former acts so far as they relate to the fees of Sheriffs, and especially repealing

an act to amend section five of an act entitled "An act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855, which act is hereby especially repealed, was approved March 3, 1865.

Which was read a first time, and referred to the Committee on Fees and Salaries.

Mr. Litson introduced

House bill No. 184. A bill to regulate the carriage of passenger's baggage by railroad companies, and to prescribe the duties and obligations of carriers and passengers in relation thereto.

Which was read a first time, and referred to the Committee on Railroads.

Mr. Greer offered the following resolution:

*Resolved*, That the Committee on the Judiciary be requested to inquire as to the expediency and justness of the State paying all witnesses whose attendance and services are demanded by the State in the prosecution of the pleas of the State, and report by bill or otherwise.

Which was agreed to.

Mr. Belford introduced

House bill No. 185. A bill to amend the 45th section of an act entitled "An act to provide for the opening, vacating and change of highways," approved June 17, 1852.

Which was read a first time, and passed to a second reading.

Mr. Daggy offered the following resolution:

*Resolved*, That the Committee on Fees and Salaries be requested to inquire into the expediency of providing by law for the payment of fees and expenses of poor persons who are compelled to attend courts as witnesses in criminal cases, out of their own county, and that they report by bill or otherwise.

Mr. Thacher offered the following resolution:

WHEREAS, The usual method of reaching an American's affection is through the medium of the stomach; and,

WHEREAS, The Trustees of the Benevolent Institutions of this State on yesterday gave a complimentary dinner of plum pudding to the standing committee of this House on that subject; therefore, be it

*Resolved*, That it is the sense of this House that said committee should now allow the above mentioned favor to influence their action in the premises.

Mr. Baker moved that the foregoing resolution be made the special order for to-morrow afternoon at 2 o'clock.

Which was agreed to.

Mr. Matthis offered the following resolution :

*Resolved*, That the Committee on the Judiciary inquire into the expediency of holding elections on some day different from the spring and fall elections, for the purpose of electing judges of the Supreme, Circuit, and Common Pleas Courts, and the prosecuting attorneys of the Circuit and Common Pleas Courts, and report by bill or otherwise.

Which was agreed to.

Mr. Crowe offered the following resolution :

*Resolved*, That the Committee on Education be instructed to inquire into the expediency of providing by law for the introduction of a uniform series of Text Books, to be used in all the common schools of the State, and report by bill or otherwise.

Which was adopted.

Mr. Newcomb offered the following resolution :

*Resolved*, That two hundred copies of the rules of the House be printed, and that the Librarian retain the same for the use of the next House of Representatives.

Which was agreed to.

Mr. Williams introduced

House bill No. 186. A bill to amend section seventy-six of the amended act entitled an act to amend section seventy-six of an act

entitled "An act defining misdemeanors, and prescribing punishment therefor," approved February 14, 1865.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. McLean introduced

House bill No. 187. A bill authorizing Clerks of the Circuit and Common Pleas Courts to try and determine suits of *habeas corpus*, issue writs of injunction and temporary restraining orders, and defining additional duties thereof.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Shull introduced the following resolution :

*Resolved*, That the Committee on Fees and Salaries be instructed to inquire into the expediency of so graduating the fees of county officers, that Treasurers shall not receive over twenty-five hundred dollars; Auditors, fifteen hundred dollars; Clerks, fifteen hundred dollars. That in counties of the smallest population, the fees shall not be less than that now allowed by law, and said graduation be according to population.

Which was agreed to.

Mr. Fuller offered the following resolution :

*Resolved*, That the Committee on Elections inquire into the expediency of passing a law requiring all the ballots to be used for voting at any election, shall be written or printed on plain white paper, and report by bill or otherwise.

Which was referred to the Committee on Elections.

Mr. Hostetter obtained leave, and presented a petition from sundry citizens of Crawford county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

Mr. Stackhouse introduced

House bill No. 188. A bill to amend sections 22, 70, and 91 of

an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of Township Assessors, Appraisers of real property, County Treasurers and Auditors, and of the Treasurer and Auditor of State, approved June 21, 1852.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Shoaff obtained leave, and presented three petitions from sundry citizens of Allen county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

Mr. McFadin offered the following resolution :

*Resolved*, That the Committee on Temperance be respectfully requested to inquire into the propriety of passing a law permitting sickly or weakly persons to take a glass of lager beer, wine or other mild drinks for the benefit of their health, whenever they feel like, or may see proper, without hinderance, delay or molestation, and the said divers sickly and weakly persons will, no doubt, forever pray.

Which was adopted.

Mr. Dunn asked to be excused from serving on the Committee on Claims.

Which was granted.

Mr. Hamilton moved that Messrs. Newcomb, Prather and Crowe be added to the Committee on Claims.

Which was agreed to.

Mr. Newcomb moved to reconsider the vote just taken, adding additional members to the Committee on Claims.

Which was agreed to.

Mr. Hamilton then withdrew his motion.



Mr. Greer moved that one additional member be added to the Committee on Temperance.

Mr. Montgomery moved that the motion be laid on the table.  
Which was agreed to.

On motion by Mr. McFadin, the House adjourned.

THURSDAY MORNING, 9 o'clock, }  
January 31, 1867. }

The House met.

On motion by Mr. Spencer, the reading of the Journal was dispensed with.

The Speaker laid before the House the following communication and statements from the Auditor of State:

OFFICE OF AUDITOR OF STATE, }  
Indianapolis, Jan. 29, 1867. }

HON. DAVID C. BRANHAM,

*Speaker of the House of Representatives:*

SIR—In reply to a resolution adopted by the House on the 28th inst., I have the honor to transmit statements showing the warrants drawn upon the State Treasury, in payment of the expenses of the Military Agencies at Indianapolis and Washington.

These warrants were issued upon the order of the Governor, under section 2 of "An act for the relief of the families of soldiers," etc., approved March 4, 1865, and section 4 of "An act repealing said act, and providing for the collection and disposition of the taxes levied in pursuance thereof," approved December 20, 1865, and paid out of the five per cent. of said tax, which, by law, was required to be paid into the State Treasury.

It is hardly necessary to add that the vouchers, in proper form, and showing in detail each item of the expenses of those agencies and the necessity therefor, are on file in this office, and subject to the inspection of any committee of the Legislature.

I deem it proper also to add that on the first day of February, 1866, all the offices of the Military Agencies for the care of the sick and wounded soldiers, and the distribution of supplies, were closed, and the Agencies at Indianapolis and Washington were continued, for the collection of claims due our soldiers, their widows and orphans, free of charge.

Very respectfully,

T. B. McCARTY, *Auditor of State.*

Which, on motion, were referred to the Committee on Public Expenditures.

## PETITIONS, MEMORIALS, CLAIMS, ETC.

Statement showing the amounts expended on account of the Military Agency at Indianapolis, from March 4, 1865, to December 31, 1866:

1865.

March 9.	To Isaac W. Monfort, salary for January....	\$150 00
"	To Isaac W. Monfort, salary for February...	150 00
"	To Isaac W. Monfort, expenses.....	50 89
Nov. 30.	To H. W. McCune, salary as clerk.....	100 00
Dec. 1.	To I. W. Monfort, salary and expenses.....	177 59

1866.

June 30.	To Wm. Hannaman, salary and expenses....	254 40
Aug. 17.	To Wm. Hannaman, salary and expenses....	355 40
Sept. 12.	To Wm. Hannaman, salary and expenses....	908 26
Oct. 20.	To Wm. Hannaman, salary and expenses....	644 56
Nov. 20.	To Wm. Hannaman, salary and expenses....	607 75
Dec. 7.	To Wm. Hannaman, salary and expenses....	787 50

Total.....\$4,186 35

Statement of the amounts expended on account of the Military Agency at Washington, D. C., from March 4, 1865, to December 31, 1866:

1866.

June 30.	To L. B. Wilson, salary and expenses.....	\$250 00
July 11.	To L. B. Wilson, salary and expenses.....	429 70
Aug. 17.	To L. B. Wilson, salary and expenses.....	272 17
Sept. 18.	To L. B. Wilson, salary and expenses.....	375 00
Nov. 20.	To L. B. Wilson, salary and expenses.....	667 04
Dec. 17.	To L. B. Wilson, salary and expenses.....	385 00

Total.....\$2,378 91

By Mr. Stafford,

Petitions from sundry citizens of Tipton and Hamilton counties, asking for a prohibitory liquor law.

Which were referred to the Committee on Temperance, without reading.

By Mr. Vawter,

A petition from sundry citizens of Johnson county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Moore,

A petition from sundry citizens of Decatur county, in relation to a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Chambers,

A petition from sundry citizens of Henry county, in relation to a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Van Valkenburgh,

Petitions from sundry citizens of Marshall county, asking for a prohibitory liquor law.

Which were referred to the Committee on Temperance, without reading.

By Mr. Honneus,

A petition from sundry citizens of Clark county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Shoaff,

A petition from sundry citizens of Allen county, in relation to a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Crain,

A claim of \$143.17 for Messrs. G. F. and C. C. Smith, for the said amount of \$143.17, which was heretofore audited and allowed, but which original claim is lost, having never been paid, &c.

Which was referred to the Committee on Claims, without reading.

By Mr. Ferris,

A petition from sundry citizens of St. Joseph county, in relation to a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Prather,

A petition from sundry citizens of Sand Creek township, Jennings county, asking for relief for the loss of property by the Morgan raid.

Which was referred to the Committee on Claims, without reading.

By Mr. Watson,

A petition from sundry citizens of Randolph county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. McFadin,

A petition from sundry citizens of Cass county, in relation to a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Black,

Two petitions from sundry citizens of Madison county, asking for a prohibitory liquor law.

Which were referred to the Committee on Temperance, without reading.

By Mr. North,

A petition—together with the form of a proposed bill—from sundry citizens of Rising Sun, asking a charter of corporation for the said town.

Which was referred to the Committee on Corporations.

By Mr. Black,

A petition from sundry citizens of Madison county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

Mr. Chambers, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills have examined engrossed House bills Nos. 40, 84 and 93. Having compared them with the original bills, we find them correctly engrossed.

Mr. Crowe, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills, to whom was referred engrossed House bills Nos. 17, 24, 39, 53, 65 and 72, have carefully compared the same with the original bills, and find that they are correctly and accurately engrossed.

By Mr. Newcomb,

A claim for \$913.32 in favor of August Richter, for grading, &c.

Which was referred to the Committee on Claims, without reading.

Mr. Newcomb presented the claim of Messrs. Cogill, Smock, and Cogill, of the city of Indianapolis, for grading and gravelling Meridian street—amount of claim, \$2,027.44.

Which was referred to the Committee on Claims, without reading.

Mr. Peelle, from the Committee on the Organization of Courts of Justice, made the following report :

MR. SPEAKER :

The committee, to whom was referred House bill No. 13—an act to create the Seventeenth Judicial Circuit—have had the same under consideration, and directed me to report the same back to the House, and recommend its passage.

Which was laid on the table.

Mr. Peelle, from the Committee on the Organization of Courts of Justice, made the following report :

MR. SPEAKER :

The committee, to whom was referred House bill No. 175—a bill to amend an act entitled “An act providing for the election and qualification of Justices, and defining their jurisdiction, powers and duties in civil cases,” approved June 9, 1852—have had the same under consideration, and a majority of said committee have directed me to report the same back to the House, and recommend its passage.

Which was laid on the table.

Mr. Peelle, from the Committee on the Organization of Courts, made the following report :

MR. SPEAKER :

The committee, to whom was referred resolution No. 16—a resolution enquiring into the expediency of abolishing the Court of Common Pleas, increasing the number of districts and terms of the Circuit Court, abolishing the Court of County Commissioners, and establishing in lieu of said Common Pleas and Commissioners, a County Court—have had the same under consideration, and a majority of said committee have instructed me to report the same back to the House, and say, that in the judgment of said committee, it is inexpedient to undertake such judicial innovation by this General Assembly.

Which was concurred in.

Mr. Montgomery, from the Committee on the Organization of Courts, made the following report:

MR. SPEAKER:

The committee, to whom was referred the petition of H. W. Harrington and others, asking for certain changes in the present judiciary system, to the end that the facilities for the transacting of business therein might be increased, and the expense and trouble attending litigation diminished, by increasing the numbers and the length of the terms of the Common Pleas and Circuit Courts, and devoting the first weeks of the terms thereof, exclusively to the completing of issues, and the transacting of unlitigated business—have had the various propositions contained in said petition under advisement, and direct me to report that the relief asked for should be granted, but that the same cannot be done without an entire re-districting of the State, for both Common Pleas and Circuit Court purposes.

Which was laid on the table.

Mr. Mason, from the Committee on County and Township Business, made the following report:

MR. SPEAKER:

The Committee on County and Township Business, to whom was referred House Bill No. 129—an act for the better improvement of highways, and repealing all laws in conflict therewith—have had the same under consideration, and recommend its passage.

Which was laid on the table.

Mr. Thrasher, from the Committee on Roads, made the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 80, have had the same under consideration, and recommend its passage.

Which was laid on the table.



Mr. Thrasher, from the Committee on Roads, made the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 48, have considered the same, and recommend its passage.

Which was laid on the table.

Mr. Thrasher, from the Committee on Roads, made the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 91, beg leave to report it back, and recommend its passage.

Which was laid on the table.

Mr. Martin, from the Committee on Agriculture, made the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 152—a bill to amend the fourth section and repeal the fifth section of an act entitled “An act to discourage the keeping of useless and sheep killing dogs, and providing penalties for the violation of any of the provisions of said act by officers and others, and also, repealing an act to license dogs,” approved March 11, 1861; and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled “An act for the protection of sheep,” approved June 15, 1862—after having had due deliberation on the change and repeal asked for in the foregoing bill, I am instructed to report unfavorable to any change in the original bill, and your committee ask to be relieved from any further consideration of said bill.

Which was concurred in.

Mr. Danaldson, from the Committee on Agriculture, made the following report:

MR. SPEAKER:

The committee to whom was referred House bill No. 181, have had the same under advisement, and recommend the passage of the same.

Which was laid on the table.

Mr. Danaldson, from the Committee on Agriculture, made the following report:

MR. SPEAKER:

The Committee on Agriculture, to whom was referred House bill No. 144, have considered the same, and recommend its amendment as follows:

Where said bill reads "not less than five dollars," and "not more than five hundred dollars for each diseased sheep," to read "not less than two nor more than twenty dollars for each diseased sheep," to be recovered as other penalties for like offences.

And, when so amended, recommend its passage.

Which was laid on the table.

Mr. Danaldson, from the Committee on Agriculture, submitted the following report:

MR. SPEAKER:

The Committee on Agriculture, to whom was referred the memorial of T. W. Asteter and others, asking for a change in the law so far as relates to the organization of county agricultural societies, so as to select two directors from each commissioner's district, instead of one from each township in the county, as the law is now, have had the same under consideration, and direct me to report adverse to the proposition, and therefore ask the indefinite postponement of the same.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Danaldson, from the Committee on Agriculture, made the following report:

MR. SPEAKER :

The committee to whom was referred resolution No. 12, conferring the power upon County Commissioners to make an appropriation out of the county funds for the purpose of purchasing suitable grounds to be held and owned by the agricultural society of each county, for the use and purpose of holding their annual county fairs therein, have had the same under consideration, and direct me to report adverse to the resolution, and ask to be discharged from the further consideration of the same.

Which was concurred in.

Mr. Chambers, from the Committee on Corporations, made the following report :

MR. SPEAKER :

The Committee on Corporations, to whom was referred House bill No. 101—a bill to amend the act entitled an act to amend the act entitled “an act authorizing the construction of plank, macadamized and gravel roads, and to empower the same to make sale of a portion of their roads,” approved February 28, 1855—have had the same under consideration, and direct me to report it back the House, and recommend its passage.

Which was laid on the table.

Mr. Woods, from the special committee on re-districting the State for judicial purposes, made the following report :

MR. SPEAKER :

The select committee of one from each judicial circuit in the State, to whom was referred engrossed House bill No. 12, being a bill to constitute the 14th judicial circuit of Indiana, to fix the time of holding the courts in said circuit, and to repeal all laws in conflict therewith, have had the same under consideration, and have instructed me to report the same back to the House and recommend its passage.

Which was laid on the table.

Mr. White, from the Committee on the Rights and Privileges of the Inhabitants of this State, made the following report :

MR. SPEAKER :

The Committee on Rights and Privileges, to whom was referred House bill No. 141—entitled an act regulating interest on money, and repealing all laws conflicting therewith—have had the same under advisement, and direct me to report the same back to the House, with the recommendation that it be amended by the insertion of an emergency clause, and that, with the said amendment, it do pass.

Which was laid on the table.

Mr. Scammahorn, from the Committee on the Rights and Privileges of the Inhabitants of this State, made the following majority report :

MR. SPEAKER :

The Committee on Rights and Privileges, to whom was referred House bill No. 26—entitled “an act to repeal an act entitled an act to enforce the 13th article of the Constitution”—have had the same under advisement, and direct me to report the same back to the House, with the recommendation that it do pass.

Which was laid on the table.

Mr. Bird, from the same committee, made the following minority report :

MR. SPEAKER :

The minority of the committee to whom was referred House bill No. 26—entitled “an act to repeal an act entitled an act to enforce the 13th article of the Constitution”—being unable to agree to the recommendation of the majority of the committee, beg leave to submit the following minority report :

The 13th article of our Constitution was submitted to the separate vote of the people of Indiana. It was fully discussed, and well understood, and was adopted by a majority of over ninety thousand of the voters of the State. The people, by the adoption

of this article, declared that the government of our State was made by and for the use of the white race, and that they were in favor of the exclusion of negroes and mulattoes. This article constitutes a part of the organic law of the State, and was made such by an overwhelming majority of our people. The Constitution provides the mode in which it may be altered, amended, or abolished; and until it is so altered, changed, or abolished, in the manner therein prescribed, it should be regarded and obeyed as the will of the people, who alone possess the power to make, alter or change their organic laws. We deny that Congress possesses any power or authority to pass any laws interfering with the laws or Constitution of a sovereign or independent State. Under our form of Government, as made and understood by our fathers, and as interpreted and expounded by the Supreme Court of the United States, each State possesses the sovereign power to order and establish its domestic institutions in its own way, free from the control or dictation of Congress or any other power.

But it is claimed that the Supreme Court of this State has decided that this article is in conflict with the civil rights bill recently passed by Congress, and therefore void, and that negroes and mulattoes are citizens of the United States. We utterly deny that the act of Congress can have any force or effect in this State; therefore any decision based upon such act cannot be regarded as sound, especially when it is in direct conflict with the decision of the Supreme Court of the United States, which has solemnly decided that a negro is not a citizen of the United States, and that decision stands unreversed, and is of paramount authority to the decision of a State court upon a question of who is, and who is not a citizen of the United States.

But suppose we concede that negroes are citizens of the several States and of the United States, we claim that that concession would not deprive our State of the power to exclude them from her borders, if they are regarded as dangerous to the prosperity of the State.

The Supreme Court of the United States has, in several decisions, held that each State may, as a police regulation, exclude any class of persons from her borders. We will invite your attention to some of these decisions.

Chief Justice Taney, in the case of "*Morris vs. the city of Boston*," says:

“Again, if the State has the right to exclude from its borders any person or persons whom it may regard as dangerous to the safety of its citizens, it must necessarily have the right to decide when and towards whom this power is to be exercised. It is in its nature a discretionary power, to be exercised according to the judgment of the party that possesses it, and it must therefore rest with the State to determine whether any particular class or description of persons are likely to produce discord or insurrection in its territory, or to taint the morals of its citizens, or to bring among them contagious diseases, or the evils and burdens of a numerous pauper population; for, if the General Government can, in any respect, or by any form of legislation, control or restrain a State in the exercise of this power, or decide whether it has been exercised with proper discretion, and towards proper persons, and on proper occasions; then the real and substantial power would be in Congress, and not in the States.”

In the cases decided in this court, and herein before referred to, the power of determining who is or is not dangerous to the interest and well being of the people of the State, has been uniformly admitted to reside in the State. We think it, therefore, to be very clear, both upon principle and the authority of adjudged cases, that the several States have a right to remove from among their people, and to prevent from entering the State, any person, or any class or description of persons, whom it may deem dangerous or injurious to the interests and welfare of its citizens; and that the State has the exclusive right to determine, in its sound discretion, whether the danger does or does not exist, free from the control of the General Government.

The cases referred to by Judge Taney were *Holmes vs. Jennison*, 14 Pet. 540; *Graves vs. Slaughter*, 15 Pet. 449, and *Prigs vs. The Commonwealth of Pennsylvania*, 16 Pet. 439.

This doctrine is based upon the principle of self-defense and self-protection, which is the first and highest instinct of human nature. This principle applies to a State as well as to an individual, and the State has as much right, and is as much bound to protect and defend her citizens as an individual has to defend his person and protect his property.

Mr. Justice Greer, in the same case, said:

“It must be borne in mind (what has sometimes been forgotten) that the controversy in this case is not with regard to the right

claimed by the State of Massachusetts in the second section of this act, to repel from her shores lunatics, idiots, criminals or paupers, which any foreign country, or even one of her sister States, might endeavor to thrust upon her, nor the right of any State, whose domestic security might be endangered by the admission of free negroes, to exclude them from her borders. This right of the States has its foundation in the sacred law of self-defense, which no power granted to Congress can restrain or annul. It is admitted by all that those powers relating to merely municipal legislation, or what may be more properly called "*internal police*," are not surrendered or restrained, and that it is as competent and necessary for a State to provide precautionary measures against the moral pestilence of paupers, vagabonds and convicts, as it is to guard against the physical pestilence which may arise from unsound and infectious articles imported."

Chief Justice Story, in delivering the opinion of the Supreme Court of the United States in the case of *Prig vs. The Commonwealth of Pennsylvania*, 16 Pet. 625, says:

"To guard, however, against any possible misconstruction of our views, it is proper to state that we are by no means to be understood, in any manner whatever, to doubt, or to interfere with the police power belonging to the States in virtue of their general sovereignty. That police power extends over all subjects within the territorial limits of the States. It is wholly distinguishable from the right and duty secured by the provision now under consideration, which is exclusively derived from and secured by the Constitution of the United States, and owes its whole efficacy thereto.

"We entertain no doubt whatever that the States, in virtue of their general police power, possess full jurisdiction to arrest and restrain runaway slaves, and remove them from their borders, and otherwise to secure themselves against their depredations and evil example, as they certainly may do in cases of idlers, vagabonds, and paupers."

Mr. Justice McLean, in the case of *Grimes et al. vs. Slaughter*, 15 Pet. 508, said:

"Each State had the right to protect itself against the avarice and intrusion of the slave dealer, to guard its citizens against the inconveniences and dangers of a slave population. The right to

exercise this power by a State is higher and deeper than the Constitution. The evil involves the prosperity, and may endanger the existence of a State. Its power to guard against or remedy the evils rests on the law of self-preservation, a law vital to any community, and especially to a sovereign State."

For these reasons we ask that the bill do not pass.

Which was laid on the table.

Mr. Chambers, from the Committee on Judicial Apportionment, made the following report:

MR. SPEAKER:

The select committee of one from each Judicial Circuit, to whom was referred House bill No. 49, entitled—"A bill creating the Fourteenth Judicial Circuit, and fixing the times of holding courts therein—have had the same under consideration, and have directed me to report the same back to the House, and recommend its passage, with one amendment: Amend, by striking out fourteenth wherever it occurs, and inserting seventeenth.

Which was laid on the table.

Mr. Miller, by consent, from the Committee of Ways and Means, made the following report:

MR. SPEAKER:

The committee, to whom was referred the resolution offered by Mr. Wolfer, instructing said committee to inquire into the expediency of extending the time to correct the assessment of taxes on real estate, beg leave to report the same back to the House, and recommend that the same be indefinitely postponed.

Which was concurred in.

Mr. Miller, by consent, from the Committee of Ways and Means, made the following report:

MR. SPEAKER:

The Committee of Ways and Means, to whom was referred the resolution of Mr. Rosser, of Tippecanoe, in reference to the transfer



of additions to cities and towns on the Auditors' books, have had the same under consideration, and direct me to report the accompanying bill on the subject, and recommend its passage:

A bill requiring all persons who plat towns, or additions to any town or city in this State, to have the lands embraced in such addition or plats transferred for taxation by the Auditors of the counties, and providing for taxing the same.

Which was read a first time, and passed to a second reading.

Mr. Newcomb, from the Committee of Ways and Means, made the following report:

MR. SPEAKER:

The Committee of Ways and Means, to whom was referred that portion of the Governor's message relating to the finances or revenues of the State, have had the same under consideration, and have directed me to report the accompanying bill, entitled "A bill to raise revenue for State purposes, for the year one thousand, eight hundred and sixty-eight, and to recommend the passage thereof:"

A bill to raise revenue for State purposes, for the years one thousand eight hundred and sixty-seven, and one thousand eight hundred and sixty-eight.

Which was read a first time, and passed to a second reading.

Mr. Newcomb moved that said bill be made the special order for the day, at 11 o'clock A. M. to-morrow.

Which was agreed to.

Mr. Crain introduced

House bill No. 191. A bill to amend section 650 of article 36 of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time, and passed to a second reading.

Mr. Honneus offered the following resolution:

WHEREAS, The Auditor of the State of Indiana, at the May term, 1865, instituted a suit in the Floyd Common Pleas Court, against the Louisville, New Albany & Chicago Railroad Company, to recover taxes due by said railroad company to the following named counties, in the following sums, to-wit:

To the county of Floyd, \$5,483.15; to the county of Clark, \$3,060.52; to the county of Washington, \$5,348.45; to the county of Orange, \$2,066.65; to the county of Lawrence, \$5,631.66; to the county of Monroe, \$9,164.73; to the county of Owen, \$4,319.90; to the county of Morgan, \$1,746.69; to the county of Putnam, \$6,479.81; to the county of Montgomery, \$8,838.21; to the county of Tippecanoe, \$11,128.92; to the county of White, \$5,455.50; to the county of Pulaski, \$8,246.30; to the county of Stark, \$2,991.93; to the county of Laporte, \$11,404.04; to the county of Porter, \$4,769.23; to the county of Lake, \$4,684.45; to the county of Clay, 57 cents; to the county of Green, \$3.62; and

WHEREAS, The said Auditor of State, through the Attorney General for the State, on the 22d day of November, 1866, dismissed said suit, on condition that said railroad company pay costs accrued, and it appearing that the said Louisville, New Albany & Chicago Railroad Company not having paid any portion of said taxes which were due for the years 1854, 1855, 1856, 1857 and 1858, together with the interest thereon, and the penalties imposed by law, sued for by the said Auditor, and as the said counties are deeply interested in this large amount of money, of about one hundred thousand dollars, and to satisfy the public mind thereon; therefore,

*Be it resolved*, That the Auditor of State be requested to inform this House why said suit was commenced.

2. Why said suit was dismissed.
3. That the said Auditor be requested to give all information in his possession, in regard to said transaction.

Which was adopted.

Mr. Peelle introduced

House bill No. 192. A bill authorizing insurance companies to re-insure their risks, and close up their business.

Which was read a first time, and referred to the Committee on Corporations.

The Speaker laid before the House the following communication from the State Librarian :

OFFICE OF STATE LIBRARIAN, }  
INDIANAPOLIS, Jan. 31, 1867. }

*To the officers and members of the General Assembly :*

GENTLEMEN :—Your resolution of yesterday, in reference to the Adjutant General's report is received, its contents noted, and I reply as follows :

There have been sold, thus far, but twenty-eight copies of the second volume, nineteen copies of the third volume, twelve copies of the fourth volume, nine copies of the fifth volume, and six copies of the sixth volume, making, at \$1.90 per copy, the sum of \$140.60.

We have received 1,500 copies of each of the above volumes, which are now in the library and store-room.

Which was laid on the table.

Mr. Foulke, from the Select Joint Committee on Public Buildings, submitted the following report :

MR. SPEAKER :

The Joint Committee, to whom was referred the subject matter of providing suitable and safe rooms for the accommodation of the various State officers, have had the same under consideration, and respectfully submit the following as the result, in part, of that investigation :

Your committee have examined the building now occupied by the Auditor, Treasurer, and Secretary of State, and unanimously express the opinion that said building is not only insufficient, inconvenient, and ill adapted to the purposes for which it is used, but that it is, in a high degree, insecure as against either burglars or fire. Your committee would further respectfully suggest that the Supreme Court is now, and has been without any of the conveniences, or even necessary accommodations that should belong to, and be enjoyed by such a tribunal.

The want of a suitable court room, has, for years, been a just cause of complaint. The Clerk and Sheriff have been left to make such provision, from time to time, as their frequent necessities rendered indispensable, whilst the Judges have been compelled to

seek for, and find uncomfortable chambers in such unoccupied building or buildings, as chance or accident might throw in their way.

In view of the above facts, your committee examined several buildings, receiving from their respective proprietors proposals embracing the terms upon which they would let the same to the State.

Among the propositions submitted for the consideration of your committee, the following is regarded as the most favorable, and your committee would respectfully recommend a lease of the premises therein named, for the term of ten years:

HON. G. W. GEISENDORFF, *Chairman Committee of House of Representatives on Buildings for State Offices:*

The undersigned propose to lease to the State of Indiana for a term of years, at \$4,500 per annum, their three story brick building, situated on the corner of Tennessee and Market streets. The building is 77 feet on Tennessee street, and 60 feet on Market street, contains four rooms on the ground floor 18 by 60 feet, eight rooms on the second floor 18 by 20 feet, four rooms 10 by 12 feet; same on third floor, being in all twenty-eight rooms. Cellar and stone foundation under the whole building.

They propose to build a room for the use of the State officers, as a depository for stationery, without any additional charge for rent. Possession can be had immediately.

W. P. & E. P. GALLUP.

INDIANAPOLIS, Jan. 23, 1867.

This building, it is thought, will amply accommodate the Auditor, Treasurer, Secretary, Adjutant General, Superintendent of Public Instruction, and Attorney General, with several surplus rooms that may be employed for the use of Legislative Committees.

Some of the members of the Joint Committee thought it practicable to arrange a portion of this building for the purposes of the Supreme Court, but on this point of the duty of the committee, it is deemed advisable to ask for further time to determine and report on this branch of the subject, and ask for the adoption of the following resolution:

*Resolved by the House of Representatives, (the Senate concurring therein,) That the Auditor of State be, and he is hereby*

authorized and directed, on behalf of the State, to contract with, and lease from W. P. and E. P. Gallup, the premises named in their proposal as above set out, for the period of ten years, at a sum not to exceed the amount therein named, subject to the approval of the Governor, and that the offices above named, and the property belonging to the same be removed into the said building, at the earliest practicable period.

JOHN R. CRAVENS,  
*Chairman Senate Committee.*

G. W. GEISENDORFF,  
*Chairman House Committee.*

Which report was laid on the table.

Mr. Chambers offered the following resolution :

*Resolved*, That the use of this Hall be granted to the Friends of Temperance on next Monday evening, to discuss the propriety and necessity of the passage of a prohibitory liquor law by the present General Assembly.

Which was agreed to.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bills thereof, to-wit :

Senate bill No. 98 entitled "An act making railroads, plank roads, turnpike roads, and macadamized roads, or parts thereof, under mortgaged sale, or sales made according to the terms of deeds of trust, to organize as incorporated companies, and prescribing their powers and duties, extending the time provided in said act for the organization of such district corporations by such purchasers, specific appropriations for the support of the Benevolent Institutions."

Senate bill No. 7, entitled "An act to repeal an act entitled 'an act to enforce the 13th article of the Constitution.'"

Senate bill No. 11, entitled "An act to amend sections 3 and 14 of an act entitled 'an act to allow County Commissioners to organ-

ize turnpike companies, where three-fifths of the persons representing the real estate within prescribed limits, petition for the same, and to levy a tax for its construction, and provide for the same to be free.’”

Senate bill No. 12, entitled “An act for the correction of mistakes in conveyances, where a married woman is a party.’

Senate bill No. 28, entitled “An act to amend section 18 of an act entitled ‘an act prescribing the powers and duties of Justices of the Peace in State prosecutions.’”

Senate bill No. 31, entitled “An act to amend section 3 of an act entitled ‘an act to establish Courts of Common Pleas, and defining the jurisdiction and duties of, and providing compensation for the Judges thereof,’” approved May 14, 1852, and creating a new district, and providing for the appointment of a Judge therein.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the President of the Senate to present to the Speaker of the House of Representatives for his signature, thereto, Enrolled Senate Act No. 21, entitled “An act supplemental to an act approved March 5, 1859, entitled ‘an act authorizing the purchasers of railroads, plank roads, turnpike roads, and macadamized roads, or parts thereof, under mortgaged sale, or sales made according to the terms of deeds of trust, to organize as incorporated companies, and prescribing their powers and duties, extending the time provided in said act for the organization of such district corporations by such purchasers,’” approved February 1, 1867.

Mr. McLean introduced

House bill No. 149. A bill amending section 5 of an act declaratory of the law regulating marriages, and enforcing the provisions thereof by proper penalties, approved March 5, 1852.

The Speaker announced that he had signed Senate bill No. 21.

Mr. Scammahorn introduced

House bill No. 194. A bill regulating the fees of County Surveyors, defining the duties of County Commissioners, and repealing all former laws in conflict therewith.

Which was read a first time, and referred to the Committee on Fees and Salaries.

Mr. Foulke introduced

House bill No. 195. A bill to amend section 20 of an act entitled "An act to amend an act entitled 'an act providing for the election or appointment of Supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto,'" approved December 20, 1865.

Which was read a first time, and referred to the Committee on County and Township Business.

Mr. Shoaff introduced

House bill No. 96. A bill to amend section 5 of an act entitled "An act providing for an organization of Circuit Courts, the election of Judges thereof, and defining their powers and duties," approved June 1, 1852; and providing for Criminal and Civil Courts, approved December 20, 1865.

Which was read a first time, and referred to the Committee on the Organization of Courts of Justice.

Mr. Wason introduced

House bill No. 197. A bill to amend section 5 of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865.

Which was read a first time, and referred to the Committee on Education.

Mr. Shook introduced

House bill No. 198. A bill to amend section 1 of an act entitled

"An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865.

Which was read a first time, and referred to the Committee on Education.

Mr. Montgomery introduced

House bill No. 199, entitled "An act to create a State Normal School, and declaring an emergency," approved December 20, 1865.

Which was read a first time, and referred to the Committee on Education.

Mr. Dunn introduced

House bill No. 200. A bill declaring legal and valid the official acts of Archibald C. Voris, Notary Public in and for the county of Lawrence, and State of Indiana.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Baker offered the following resolution :

WHEREAS, Henry S. Hawthorn, Esq., is the owner of the complete files of the Vincennes Western Sun newspaper for the years 1807, 1808, 1809 and 1810, containing the debates and laws of the territorial Legislatures of those years; therefore,

*Be it resolved*, (the Senate concurring,) That the State Librarian be authorized to negotiate for the purchase of said files of papers, and report to this General Assembly the probable price at which they can be procured for the use of the State.

Which was agreed to.

Mr. Prather introduced

House bill No. 201. A bill to provide for the protection of wild and harmless birds on or about the premises or inclosures of another, and declaring the penalty for the violation of this act.



Which was read a first time, and referred to the Committee on the Rights and Privileges of the Inhabitants of this State.

Mr. Campbell, by consent, presented a petition from citizens of Hendricks county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

Mr. Wilson obtained leave, and presented a petition from sundry citizens of Pike county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

Mr. McClasky obtained leave, and presented a petition from sundry citizens of Morgan county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

Mr. Daggy obtained leave, and presented a petition from sundry citizens of Putnam county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

Mr. Peelle gave the following notice :

MR. SPEAKER :

I hereby give notice that on to-morrow I will move to change the order of business, so that the regular order of the day shall commence at ten o'clock, instead of eleven o'clock.

Which lays over, under the rule.

Mr. Danaldson, from the Committee on Agriculture, obtained leave, and made the following report :

MR. SPEAKER :

The committee, to whom House bill No. 140 was referred, have had the same under consideration, and recommend its passage, with the following amendments: Strike out "fifty cents" whenever it occurs, and when so amended, recommend its passage.

Which was laid on the table.

Mr. Griggs, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 63—a bill to amend section 11 of an act entitled “An act defining misdemeanors, and prescribing the punishment therefore”—have considered the same, and instruct me to report it back to the House, and recommend its passage with the following amendment:

In section 2 strike out the words “and publication in the Indianapolis *Daily Journal* and *Daily Herald*.”

The Speaker announced Mr. Crowe as a member of the Committee on Claims, in place of Mr. Dunn, resigned.

Mr. Corey, from the Committee on Education, made the following report:

MR. SPEAKER:

The Committee on Education, to whom was referred House bill No. 98, having the same under consideration, instructed me to report the same back to the House, with the recommendation that it be laid on the table.

#### ORDERS OF THE DAY.

Senate bill No. 7 was read a first time, and passed to a second reading.

Senate bill No. 11, was read a first time, and passed to a second reading.

Senate bill No. 12, was read a first time, and passed to a second reading.

Senate bill No. 28, was read a first time, and, on motion, referred to the Committee on the Judiciary.

Senate bill No. 34, was read a first time, and referred to the Committee on the Organization of Courts of Justice.

Senate bill No. 98 was read a first time, and referred to the Committee on Ways and Means.

#### HOUSE BILLS ON THIRD READING.

House bill No. 40. A bill to amend an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 11, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Barritt, Bird, Black, Blanch, Bobo, Brucker, Campbell, Carter, Chambers, Corey, Crain, Crowe, Daggy, Dandaldson, Douglass, Edmonson, Ervin, Evans, Ferris, Foulke, Funk, Fuller, Gordon, Greene, Griggs, Hartman, Hamelton, Higgins, Hopkins, Honneus, Hostetter, Hudson, Hungate, Inman, Kiser, Long of Jackson, Lopp, Martin, Mason, Matthis, McCarthy, McClasky, McFadin, McLean, McMurray, Miller, Moore, Montgomery, Newcomb, O'Neil, North, Peelle, Prather, Ratliff, Ross, Rosser, Sabin, Scammahorn, Shanks, Shook, Shull, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stackhouse, Stafford, Stewart, Tebbs, Thacher, Thrasher, Thomas, Van Valkenburgh, Vawter, Wason, Watson, Williams, Wilson, White, Wolfe, Wolfer, Wolflin, Woods, Wright, and Mr. Speaker—85.

So the bill passed.

The question being, shall the title as read stand as the title to said bill?

It was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

House bill No. 24. A bill to amend the 9th section of an act  
H. J.—20

entitled "An act providing for the election of Clerks of the Circuit Court, and prescribing some of their duties," approved June 7, 1852, to require the Clerk to deliver over all the books, papers, records and moneys in his hand to his successor.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Belford, Bird, Black, Blanch, Bobo, Campbell, Chambers, Cory, Crain, Crowe, Daggy, Danaldson, Douglass, Dunn, Edmonson, Ervin, Evans, Ferris, Foulke, Funk, Fuller, Gordon, Greer, Griggs, Hartman, Hamilton, Higgins, Honneus, Hostetter, Hudson, Hungate, Inman, Kiser, Long of Jackson, Martin, Mason, McCarthy, McFadin, McLean, McMurray, Miller, Moore, Newcomb, O'Neil, North, Peelle, Prather, Ratliff, Ross, Rosser, Sabin, Scammahorn, Shanks, Shook, Shoeff, Shull, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stackhouse, Stafford, Stewart, Tebbs, Thacher, Thrasher, Thomas, Van Valkenburgh, Vawter, Williams, White, Wolfe, Wolfer, Woods, Wright, and Mr. Speaker.

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title to said bill?

It was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

House bill No. 65. A bill to provide for the protection of fur-bearing animals—otter, mink, and raccoon—defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, and declaring an emergency.

Was read a third time.

The question being, shall the bill pass?

Mr. Long, of Jackson, moved to lay said bill on the table.

Which was agreed to.

Mr. Crain, from the Committee on Employees in the House, by consent, made the following report:

MR. SPEAKER:

The committee to whom was referred the confirmation of the appointment of the employees of the House, submit the following additional report:

The Committee have confirmed the following named gentlemen as Clerks to the several committees, and from the several dates specified, to-wit:

Committee of Ways and Means—John Wood, from January 17.

Committee on Judiciary—J. S. Harvey, from January 15.

Committee on Education—R. N. Wise, from January 22.

Committee on Sinking Fund—John F. Smith, from January 17.

Committee on Claims—C. F. Berry, from January 21.

Committee on the Organization of Courts—Martin V. Cumerford, from January 22.

Committee on Railroads—James Greene, from January 22.

Committee on Military Affairs—E. B. Jones, from January 22.

As Stationery Clerk—W. W. Sickles, from January 21.

As Journal Clerk—Alex. Beck, from January 31.

As Messenger to the Judiciary Committee—Joseph Tarkington, employed January 15.

All of which is respectfully submitted.

Which was concurred in.

House bill No. 17. A bill in relation to conveyances of land by wives of persons of unsound mind.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Barritt, Belford, Bird, Black, Blanch, Bobo, Brucker, Campbell, Carter, Chambers, Corey, Crain, Crowe, Daggy, Danaldson, Douglass, Dunn, Ervin, Evans, Ferris, Foulke, Funk, Fuller, Gordon, Greer, Griggs, Hartman, Hamilton, Higgins, Hopkins, Honneus, Hudson, Hungate, Inman, Kiser, Long of Jackson, Long of Kosciusko, Lopp, Martin, Mason, McCarthy, McClasky, McFadin, McLean, McMurray, Miller, Moore, O'Neil, North, Peele, Ratliff, Ross, Rosser, Sabin, Scammahorn, Shanks, Shook, Shoeff, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stackhouse, Stafford, Stewart, Tebbs, Thrasher, Thomas, Van Valkenburgh, Watson, Williams, White, Wolfe, Wolfer, Woods, Wright, and Mr. Speaker—79.

Those who voted in the negative were,

Messrs. Matthis, Prather, Thacher, and Wilson—4.

So the bill passed.

The question being, shall the title as read stand as the title to said bill?

It was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

House bill No. 72. A bill to amend an act entitled "an act to authorize the removal of convicts from the Southern State Prison to the Northern State Prison, and providing for the employment of convicts in each of said prisons, directing what counties shall send their convicts to the Northern State Prison, and providing for carrying on the work in building said Northern State Prison, and making appropriations for the support of said prison," approved June 1, 1861.

Was read a third time.

Mr. Peelle asked the unanimous consent of the House to add the county of Wayne.

Mr. Miller moved the previous question, which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the amendment offered by Mr. Peelle,

The same was not agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barritt, Belford, Bird, Black, Blanch, Bobo, Campbell, Carter, Corey, Crain, Crowe, Daggy, Danaldson, Dunn, Ervin, Evans, Ferris, Foulke, Funk, Fuller, Gordon, Hartman, Hamilton, Higgins, Hopkins, Hostetter, Hudson, Kiser, Martin, McCarthy, McClasky, McFadin, McMurray, Miller, Newcomb, North, Peelle, Prather, Ratliff, Sabin, Shoaff, Shuey, Skidmore, Smith of LAGRANGE, Smith of Wabash, Spencer, Stafford, Stewart, Thomas, Wason, White, Wolfer, Woods, Wright, and Mr. Speaker—56.

Those who voted in the negative were,

Messrs. Bischof, Brucker, Douglass, Edmonson, Greene, Greer, Griggs, Honneus, Hughes, Hungate, Inman, Litson, Long of Jackson, Matthis, Moore, Montgomery, O'Neil, Ross, Rosser, Scammahorn, Shanks, Shook, Shull, Stackhouse, Tebbs, Thacher, Van Valkenburg, Vawter, Wilson, and Wolfe—31.

So the bill passed.

The question being, shall the title as read stand as the title to said bill.

It was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

Mr. Chambers, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

I am instructed by the Committee on Engrossed Bills to report that they have examined and compared engrossed bill No. 83 with the original, and find the same accurately and correctly engrossed.

Mr. Crain moved that House Joint Resolution No. 2 be made the special order for 10 o'clock A. M. to-morrow.

Which was agreed to.

House bill No. 83. A bill to provide for the protection of wild game, and defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, repealing all laws inconsistent herewith, and declaring an emergency.

House bill No. 83, was read a third time, and the question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Barrett, Belford, Bird, Bischof, Black, Blanch, Brucker, Chambers, Crain, Evans, Ferris, Foulke, Funk, Gordon, Griggs, Hartman, Hays, Higgins, Hopkins, Honneus, Hughes, Litson, Martin, McCarthy, McClasky, McFadin, Miller, Moore, Montgomery, North, Peelle, Prather, Ross, Rosser, Sabin Scammarhorn, Shook, Smith of Lagrange, Tebbs, Thacher, Thomas, Van Valkenburgh, Vawter, Watson, Woods, and Mr. Speaker—47.

Those who voted in the negative were.

Messrs. Crowe, Daggy, Danaldson, Douglass, Dunn, Edmonson, Ervin, Fuller, Greer, Hamilton, Hostetter, Hudson, Hungate, Inman, Kiser, Long of Jackson, Lopp, Mason, Matthis, McMurray, Ratliff, Shanks, Shull, Shuey, Skidmore, Smith of Wabash, Spencer, Stewart, Thrasher, Wason, Williams, Wilson, White, Wolfe, Wolfer, and Wright—36.

So the bill failed to pass for want of a constitutional majority.

Mr. Hughes moved to reconsider the vote just taken.

Which was agreed to.

Then, on motion, said bill was made the special order for the day for Tuesday next, at 10 o'clock A. M.



House bill No. 53. An act to fix the time of holding the Court of Common Pleas in the county of Grant, and repealing all laws in conflict therewith.

Was read a third time, and the question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Barritt, Belford, Bird, Bischof, Black, Blanch, Brucker, Campbell, Carter, Chambers, Corey, Crain, Crowe, Daggy, Danaldson, Douglass, Dunn, Edmonson, Ervin, Evans, Ferris, Foulke, Funk, Fuller, Gordon, Greer, Griggs, Hartman, Hamilton, Higgins, Hopkins, Honneus, Hostetter, Hudson, Hughes, Hungate, Inman, Kiser, Litson, Long of Jackson, Long of Kosciusko, Lopp, Martin, Mason, Matthis, McCarthy, McClasky, McFadin, McMurray, Miller, Moore, Montgomery, Newcomb, O'Neil, North, Peelle, Prather, Ratliff, Ross, Rosser, Sabin, Scamahorn, Shanks, Shook, Shull, Shuey, Skidmore, Smith of LAGRANGE, Smith of Wabash, Spencer, Stackhouse, Stewart, Tebbs, Thacher, Thrasher, Thomas, Van Valkenburgh, Vawter, Wason, Watson, Williams, Wilson, White, Wolfe, Wolfer, Woods, and Mr. Speaker—88.

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title to said bill?

It was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

Mr. Woods obtained leave, and presented the claims of E. W. Ellis and others for services in examining Sinking Fund records, and for traveling expenses.

Which was referred to the Committee on Claims without reading.

House bill No. 84. A bill to amend the fifth section of an act entitled "an act to provide for the more uniform mode of doing

township business, prescribing the duties of certain officers in connection therewith," approved February 18, 1859.

Mr. Montgomery moved to recommit the bill, with instructions to report a bill in its stead, including all township officers elected at the spring elections, whose term of office is now but one year, making the same two years instead of one.

Mr. Miller moved to lay the motion on the table.

Which was not agreed to.

The bill was then recommitted to the Committee on County and Township Business.

Mr. Matthis moved that Messrs. Honneus, Brucker, and Shull be a committee on the ventilation of the hall.

Which was agreed to.

House bill No. 93. A bill forbidding the locking of railroad cars in certain cases, and providing punishment therefor."

Was read a third time.

Mr. Ross moved to lay the bill the table,

Which was not agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Barritt, Belford, Bird, Bischof, Black, Blanch, Bobo, Brucker, Carter, Chambers, Corey, Crain, Crowe, Danaldson, Dunn, Edmonson, Evans, Ferris, Foulke, Funk, Fuller, Gordon, Greer, Griggs, Hartman, Hamilton, Higgins, Honneus, Hostetter, Hughes, Hungate, Inman, Kiser, Litson, Long of Jackson, Lopp, Martin, Matthis, McCarthy, McClasky, McFadin, McLean, McMurray, Miller, Moore, Montgomery, Newcomb, O'Neil, North, Peelle, Prather, Ratliff, Rosser, Sabin, Scammarhorn, Shanks, Shook, Shull, Shuey, Skidmore, Smith of Lagrange, Stackhouse, Stewart, Tebbs, Thrasher, Thomas, Van Valken-

burgh, Vawter, Wason, Watson, Williams, Wilson, White, Wolfe, Wolfer, Woods, Wright, and Mr. Speaker—79.

Those who voted in the negative were,

Messrs. Daggy, Hudson, and Ross—3.

So the bill passed?

The question being, shall the title as read stand as the title to said bill?

It was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

Mr. Hudson obtained leave of absence until next week.

House bill No. 39. A bill to legalize and declare valid and effectual all the orders, judgments, and other proceedings made, rendered and had by and before the Common Pleas Court of Clinton county in this State, held in the court house of said county, in the months of October and November, in the year one thousand eight hundred and sixty-five, and, then and there, by and before the several judges of said court."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Barritt, Belford, Bird, Bischof, Black, Blanch, Bobo, Brucker, Carter, Chambers, Corey, Crain, Crowe, Daggy, Danaldson, Dunn, Edmonson, Evans, Ferris, Foulke, Funk, Fuller, Greer, Griggs, Hartman, Hamilton, Higgins, Hopkins, Honneus, Hostetter, Hudson, Hughes, Hungate, Inman, Kiser, Litson, Long of Jackson, Lopp, Martin, Mason, Matthis, McCarthy, McClasky, McFadin, McLean, McMurray, Miller, Moore, Montgomery, Newcomb, O'Neil, North, Peelle, Prather, Ratliff, Ross, Rosser, Sabin, Scammahorn, Shanks, Shull, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stackhouse, Stewart, Tebbs, Thacher, Thrasher, Thomas, Van Valkenburg, Vawter, Wason, Watson, Williams, White, Wolfe, Wolfer, Woods, and Mr. Speaker—84.

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title to said bill?

It was agreed to.

*Ordered,* That the Clerk inform the Senate of the passage of said bill?

On motion by Mr. Ross, the House adjourned.

FRIDAY MORNING, 9 o'clock, }  
 FEBRUARY, 1, 1867. }

The House met.

On motion by Mr. Shuey, the reading of the Journal was dispensed with.

Messrs. Tebbs, O'Neil, and Daggy obtained leave of absence until Monday next at 2 o'clock P. M.

Messrs. Mason and Barritt obtained leave of absence for one week.

Mr. Ross obtained leave of absence until Monday morning next.

Mr. Scammahorn obtained leave of absence until Tuesday morning next.

Mr. McCarthy obtained leave of absence until Tuesday next at noon.

Mr. Peelle obtained leave of absence until Thursday next.

Mr. Edmonson obtained leave of absence indefinitely, on account of sickness.

Mr. Stackhouse obtained leave of absence until Wednesday morning next.

Messrs. Shields, Morrison and Inman obtained leave of absence.

Mr. Ross moved that when the House adjourn it adjourn until Monday next at 2 o'clock.

Mr. Foulke moved to amend by making the time 2 o'clock P. M. on to-morrow.

On motion by Mr. Shull, the amendment was laid on the table.

Mr. Newcomb moved to lay Mr. Ross' motion on the table.

Which was not agreed to.

The question being on the motion made by Mr. Ross, Messrs. Chambers and Higgins demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Bischof, Black, Bobo, Brucker, Campbell, Corey, Crowe, Daggy, Danaldson, Douglass, Edmonson, Ervin, Fuller, Greene, Greer, Griggs, Hopkins, Honneus, Inman, Kiser, Litson, Lopp, Mason, McCarthy, McFadin, Morrison, O'Neil, Peelle, Ross, Rosser, Scammahorn, Shanks, Shoaff, Shull, Smith of Lagrange, Tebbs, Thacher, Thomas, Van Valkenburgh, Wason, and Wolfer—41.

Those who voted in the negative were,

Messrs. Belford, Bird, Blanch, Carter, Chambers, Crain, Dunn, Evans, Ferris, Foulke, Funk, Gordon, Hartman, Hamilton, Higgins, Hostetter, Hudson, Hungate, Long of Jackson, Martin, Matthis, McClasky, McLean, McMurray, Miller, Moore, Montgomery, Newcomb, North, Prather, Ratliff, Sabin, Shook, Shuey, Skidmore, Smith of Wabash, Spancer, Stackhouse, Stafford, Stewart, Thrasher, Vawter, Watson, Williams, White, Wolflin, Woods, Wright, and Mr. Speaker—48.

So the motion did not prevail.

Mr. Vawter offered the following resolution:

*Resolved*, That in the future this House will not grant any leave of absence except on account of sickness of himself or family.

Mr. Matthis moved to lay the resolution on the table.

Which was agreed to.

The Speaker laid before the House the following communication from the State Librarian:

OFFICE OF STATE LIBRARIAN, }  
 INDIANAPOLIS, January 31, 1867. }

Received of Hon. C. T. Nixon, Clerk of the House of Representatives, two hundred copies of Standing Rules and Orders for the Government of the House of Representatives, Session of 1867, for use of the next General Assembly.

B. F. FOSTER, *State Librarian*.

PETITIONS, MEMORIALS, CLAIMS, ETC.

By Mr. McLean,

A petition from sundry citizens of Vigo county, in relation to a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. McLean,

A memorial from Col. G. F. Cookerly, formerly proprietor of the Daily and Weekly Terre Haute Journal, asking for indemnification for losses sustained by him in the destruction of the Journal office, and material and type used in publishing said paper, at the hands of a mob of soldiers belonging to the 43d Regiment Indiana Volunteers, in October, 1861—amount of claim \$2,500.

Which was referred to the Committee on Claims, without reading.

By Mr. Moore,

A petition, with a memorial, from William Eichelberger and others, in relation to losses on White Water Canal, etc.

Which was read, and referred to the Committee on Canals.

By Mr. Peelle,

A petition from sundry citizens of Wayne and Randolph counties, asking for a law to protect turnpike companies from the ravages of hogs running at large on their roads.

Which was read, and referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the President of the Senate to inform the House of Representatives that he has signed enrolled Senate act No. 21, and has transmitted the same to the Governor of the State for his signature thereto.

By Mr. Spencer,

A petition from sundry citizens of Benton county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Honneus,

A petition from sundry citizens of Clark county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Evans,

Four petitions from sundry citizens of Carroll county, asking for a prohibitory liquor law.

Which were referred to the Committee on Temperance, without reading.

By Mr. McMurray,

A petition from sundry citizens of Putnam county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. McClasky,

Petitions from sundry citizens of Montgomery county, asking for a prohibitory liquor law.

Which were referred to the Committee on Temperance, without reading.



By Mr. Ervin,

A petition from sundry citizens of Delaware county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Black,

A petition from the citizens of Madison county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. McCarthy,

A petition from sundry citizens of Porter county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. McFadin,

A petition from sundry citizens of Cass county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Ferris,

A petition from sundry citizens of St. Joseph county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Wolfen,

A petition in relation to roads.

Which was referred to the Committee on Roads.

Mr. Miller obtained leave, and offered the following resolution :

*Resolved*, That three hundred copies of the report of the committee appointed at the last session of the Legislature to investi-

gate the condition of the Sinking Fund accompanying the Governor's message, be printed for the use of the House.

Which was concurred in.

By Mr. Newcomb,

A claim for services rendered to the Government in the military department of the State, by James Blake.

Which was referred to the Committee on Claims, without reading.

By Mr. Hughes,

A memorial from the clergy at Eldridgeville, asking that certain church property might be released from taxation.

Which was referred to the Committee on Claims.

By Mr. Daggy,

A memorial from John Gilmore, setting forth a claim for \$322.48.

Which was referred to the Committee on Claims.

By Mr. Hughes,

A petition from the members of the Quarterly Conference of Ellettsville Circuit, Indiana Conference of the Methodist Episcopal Church, asking for a change in the law concerning the taxation of church property.

Which was read, and referred to the Committee of Ways and Means.

By Mr. Griggs,

A petition from sundry citizens of Johnson county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Newcomb, from the Committee of Ways and Means, made the following report:

MR. SPEAKER:

The Committee of Ways and Means, in compliance with the provision of the fifth section of the act of the 4th of May, 1861, authorizing the Governor of this State to issue two millions of bonds for the public defense, to repel invasion, beg leave to report that on the 30th of January, 1867, in conjunction with the Finance Committee of the Senate, they carefully examined and counted, and, in the presence of the committee, the Auditor and Treasurer of State, in this city, burned and destroyed the six per cent. War Loan Bonds described in the following list, and redeemed during the last two years, amounting in the aggregate to the sum of one hundred and one thousand dollars, viz:

Numbers.	Denomi- tion.	Aggregate.	Numbers.	Denomi- tion.	Nos.
554		1,000	1,523 & 1,524	1,000	2,000
753 & 754	1,000	2,000	1,554 & 1,555	1,000	2,000
1,216 & 1,217	1,000	2,000	1,611 & 1,612	1,000	2,000
1,250		1,000	1,642 & 1,643	1,000	2,000
1,290 & 1,291	1,000	2,000	1,647		1,000
1,316		1,000	1,778 & 1,779	1,000	2,000
1,319 & 1,322	1,000	4,000	1,781 & 1,782	1,000	2,000
1,328		1,000	1,790		1,000
1,347 to 1,350	1,000	4,000	1,856 to 1,859	500	2,000
1,361 to 1,366	1,000	6,000	1,951 to 1,961	500	5,000
1,382 & 1,383	1,000	2,000	1,972 & 1,973	500	1,000
1,393 & 1,394	1,000	2,000	1,976		500
1,458 to 1,468	1,000	11,000	2,017 to 2,029	500	6,500
1,475 to 1,483	1,000	9,000	2,031 to 2,032	500	1,000
1,488 to 1,496	1,000	9,000			30,000
1,508 to 1,521	1,000	14,000			71,000
					<hr/> 101,000

Which was laid on the table.

Mr. Newcomb, from the Committee on Ways and Means, made the following report:

MR. SPEAKER:

The Committee on Ways and Means, to whom was referred Senate bill No. 98—an act making specific appropriations for the  
H. J.—21

support of the Benevolent Institutions—have had the same under consideration, and have instructed me to report the same back to the House, and recommend its passage.

Which was laid on the table.

Mr. Hughes, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 158—a bill in relation to the compounding and concealing of crimes, and the compounding of prosecutions, and prescribing penalties therefor—have examined the same, and directed me to report said bill back to the House with four amendments, and when so amended, recommend its passage:

1. Amend the first section by inserting next after the word “thereof,” in the thirteenth line of the section, these words, “or do any act to encourage or procure the absence of witnesses or other testimony on the examination or trial of such charge.”

2. Amend the second section by inserting next after the word “evidence” in the fourth line thereof, these words, “or do any act to encourage or procure the absence of witnesses or other testimony on the examination or trial of such charge.”

3. Amend the third section by inserting next after the word “thereof,” in the 11th line, these words, viz: “or do any act to encourage or procure the absence of witnesses or other testimony on the examination or trial of such charge.”

4. Amend by adding the following section:

“SEC. 4. The provisions of this act shall not apply to any person standing in the relation of husband or wife, parent or grandparent, child or grandchild, brother or sister, by consanguinity or affinity, or master or apprentice, to the party accused.”

Which was laid on the table.

Mr. Baker, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred Senate bill No. 22—a bill regulating the fees of clerks of courts, justices of the peace, and notaries in certain cases—have had the same under consideration, and have directed me to report said bill back to the House, and recommend its passage.

Which was laid on the table.

Mr. Baker, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 137—a bill to give Township Trustees the right to administer oaths generally, and to take acknowledgments of deeds and mortgages—have considered the same, and direct me to report the same back, with the recommendation that it do pass.

Which was concurred in, and the bill laid on the table.

Mr. Daggy, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 161—in relation to amending sections 123 and 124 of an act entitled “an act for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, &c.”—have had the same under consideration, and directed me to return the same, with the recommendation that the same be referred to the Committee on Ways and Means.

Which was laid on the table.

Mr. Daggy, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 188—in relation to amending sections 22, 70 and 91 of an

act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, &c.—have had the same under consideration, and directed me to report the same back to the House, with instructions to recommend its reference to the Committee on Ways and Means.

Which was concurred in, and the bill referred to the Committee on Ways and Means.

Mr. Smith, of Lagrange, from the Committee on the Judiciary, made the following majority report:

**MR. SPEAKER:**

The Committee on the Judiciary, to whom was referred House bill No. 81—a bill regulating the employment of persons under sixteen years of age in the cotton and woolen factories of this State—have considered the same, and a majority of the Committee have instructed me to report said bill back to the House, without amendment, and recommend its passage.

Which was laid on the table.

Mr. Ross, from the same committee, presented a minority report, setting forth that said bill, in its provisions, would interfere with the duties and responsibilities of parents and guardians toward their children and wards, and further that the various manufacturing companies can, and ought to, best arrange the working hours of their several establishments.

Which was laid on the table.

Mr. Peelle called up the notice given by him on yesterday in relation to changing the rules of the House, that the orders of the day should be taken up at 10 o'clock instead of 11 o'clock.

Which was agreed to.

Mr. Hughes, from the Committee on the Judiciary, made the following report:

**MR. SPEAKER:**

The Committee on the Judiciary, to whom was referred House bill No. 71—a bill to amend the 19th section of an act entitled

"An act to revise, simplify and abridge the rules, practice, pleadings, and forms in criminal actions in courts of this State," approved June 17, 1852, relative to filing informations in criminal cases—have considered the bill, and a majority of the committee have directed me to report the same back to the House, and recommend that it do not pass.

Mr. Miller, from the same committee, made a minority report, recommending the following amendment :

Add thereto, " When the party accused is confined in the county jail on such charge."

#### SPECIAL ORDERS OF THE DAY.

The hour having arrived for the consideration of House Joint Resolution No. 2—a joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence to have the interest bearing debt of the United States first paid.

The same was taken up.

Mr. McLean moved the previous question.

Which was seconded by the House.

Mr. Hughes moved that said motion be laid on the table.

Messrs. Hughes and Montgomery demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Bird, Bobo, Corey, Crowe, Douglass, Dunn, Edmonson, Fuller, Honneus, Hostetter, Hughes, Hungate, Inman, Kiser, Long of Jackson, Matthis, McFadin, Morrison, Montgomery, O'Neil, Shanks, Shoaff, Shull, Thacher, Van Valkenburgh, Vawter, Williams, and White—30.

Those who voted in the negative were,

Messrs. Belford, Bischof, Black, Blanch, Brucker, Campbell, Chambers, Crain, Daggy, Danaldson, Ervin, Evans, Ferris, Foulke, Funk, Gordon, Greer, Griggs, Hartman, Hamilton, Higgins, Hopkins, Hudson, Litson, Martin, McCarthy, McClasky, McLean,

McMurray, Miller, Moore, Newcomb, North, Peelle, Prather, Ratliff, Rosser, Sabin, Shook, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stafford, Stewart, Thrasher, Thomas, Wason, Watson, Wolfer, Wolflin, Woods, Wright, and Mr. Speaker—55.

So the motion to lay on the table did not prevail.

Mr. Hughes moved to reconsider the vote ordering the main question.

Mr. Shuey moved to lay the motion to reconsider on the table.

Messrs. Thacher and Vawter demanded the ayes and noës.

Those who voted in the affirmative were,

Messrs. Belford, Bischof, Black, Brucker, Campbell, Chambers, Crain, Daggy, Danaldson, Dunn, Ervin, Evans, Ferris, Foulke, Funk, Gordon, Griggs, Hartman, Higgins, Hopkins, Hudson, Litson, Martin, Mason, McClasky, McLean, Miller, North, Prather, Ratliff, Ross, Rosser, Sabin, Shook, Shoaff, Shuey, Skidmore, Smith of Lagrange, Spencer, Stafford, Stewart, Thomas, Watson, Wright, and Mr. Speaker—44.

Those who voted in the negative were,

Messrs. Baker, Bird, Bobo, Corey, Crowe, Douglass, Edmonson, Ervin, Fuller, Greene, Greer, Hamilton, Honneus, Hostetter, Hughes, Inman, Kiser, Long of Jackson, McCarthy, McFadin, McMurray, Moore, Montgomery, Newcomb, Peelle, Shanks, Shull, Smith of Wabash, Thacher, Thrasher, Van Valkenburgh, Vawter, Wason, Williams, and White—31.

So the motion to reconsider did not prevail.

The main question was then ordered.

The question being, shall House Joint Resolution No. 2 pass?

Those who voted in the affirmative were,

Messrs. Belford, Black, Brucker, Campbell, Chambers, Crain, Daggy, Danaldson, Dunn, Ervin, Evans, Ferris, Foulke, Funk, Gordon, Greer, Griggs, Hartman, Hamilton, Higgins, Hopkins,



Hudson, Litson, Martin, Mason, McCarthy, McClasky, McLean, McMurray, Miller, Moore, Newcomb, North, Peelle, Prather, Ratliff, Ross, Rosser, Sabin, Shook, Shoaff, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stafford, Stewart, Thrasher, Thomas, Wason, Watson, Williams, Wilson, Wolfer, Wolfli, Wright, and Mr. Speaker—59.

Those who voted in the negative were,

Messrs. Baker, Bird, Crowe, Douglass, Edmonson, Fuller, Greene, Honneus, Hostetter, Hughes, Hungate, Inman, Kiser, Long of Jackson, Matthis, McFadin, Montgomery, O'Neil, Shanks, Shull, Thacher, Van Valkenburgh, Vawter, and White—24.

So House Joint Resolution No. 2 passed.

The question being, shall the title as read stand as the title to House Joint Resolution No. 2.

It was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said Joint Resolution.

The hour having arrived for the consideration of House bill No. 190. A bill to raise revenue for State purposes, for the years one thousand eight hundred and sixty-seven, and one thousand eight hundred and sixty-eight.

The same was taken up, and read a second time.

On motion by Mr. Newcomb, the House resolved itself into a committee of the whole House, with Mr. Higgins in the chair.

After remaining sometime in session, the committee arose and made the following report through its chairman:

MR. SPEAKER:

The committee of the whole House, to whom was referred House bill No. 190, have had the same under consideration, and have made some progress thereon, and ask leave to sit again.

The report was concurred in.

Mr. Newcomb moved that House bill No. 190 be made the special order for the day on Tuesday next, at 11 o'clock.

Which was agreed to.

Mr. Greene obtained leave, and introduced

House bill No. 202. A bill to amend the second section of an act entitled "An act to fix the time of holding the Courts of Common Pleas in the Fifth Judicial District, repealing all other laws on the same subject, and declaring when this act shall take effect.

Which was read a first time, and referred to a special committee of one from each county affected by said bill.

Mr. Scaminahorn, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The committee, to whom was referred House bills Nos. 59, 107 and 117, have compared the same, and find them correctly engrossed.

The Speaker announced the following special committee on House bill No. 202:

Messrs. Greene, North, Shook, and Litson.

Mr. Shook introduced

House bill No. 203. A bill to fix the time of holding the Courts of Common Pleas in the Fifth Judicial District, repealing all other laws on the same subject, and declaring when this act shall take effect.

Which was read a first time, and referred to the special committee appointed to consider House bill No. 202.

Mr. McLean obtained leave, and introduced

House bill No. 204. A bill to incorporate the Indiana Soapstone Stove Company.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Campbell obtained leave, and introduced

House bill No. 205. A bill to declare and secure the rights of married women in real estate sold under execution.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Woods obtained leave, and presented a memorial against a prohibitory liquor law, from many rum-sellers.

Which was read, and referred to the Committee on Temperance.

Mr. Ratliff offered the following resolution :

*Resolved*, That the Speaker of this House be authorized to appoint another floor page.

Mr. Shull moved to lay the resolution on the table.

Which was agreed to.

Mr. Wason obtained leave, and introduced

House bill No. 206. A bill authorizing Township Trustees, Trustees of incorporated towns, and the Common Council of cities, to levy a tax for school purposes.

Which was read a first time, and referred to the Committee on Education.

Mr. Daggy moved to adjourn till Monday next, at 2 o'clock P. M.

Mr. Wright moved to lay the motion to adjourn on the table.

Which was agreed to.

On motion by Mr. Higgins, the House adjourned.

SATURDAY MORNING, 9 o'clock, {  
FEBRUARY 2, 1867. }

The House met.

On motion by Mr. Foulke, the reading of the Journal was dispensed with.

PETITIONS, MEMORIALS, CLAIMS, ETC.

By Mr. Chambers,

A petition from sundry citizens of Henry county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Newcomb,

A petition from sundry citizens of Marion county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Newcomb,

A petition from sundry citizens of Warren county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Griggs,

A petition from sundry citizens of Johnson county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Prather,

A portion of Governor Morton's Message.

Which was referred to the Special Committee on the Morgan Raid, without reading.

By Mr. Matthis,

A petition from sundry citizens of Harrison county, asking for remuneration for losses in the Morgan raid.

Which was read, and referred to the Committee on Claims.

Mr. McFadin moved to change the time of the meeting of the House to afternoon sessions instead of the forenoon of each day.

Which was agreed to.

By Mr. Gordon,

A petition from sundry citizens of the county of Boone, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Honneus,

A petition from sundry citizens of Clark county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Campbell,

A petition from sundry citizens of Hendricks county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Watson,

A petition from sundry citizens of Fayette county, asking for a prohibitory liquor law..

Which was referred to the Committee on Temperance, without reading.

By Mr. McClasky,

A petition from sundry citizens of Randolph county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Stewart,

A petition from sundry citizens of the county of Montgomery, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. McClasky,

A petition from sundry citizens of Montgomery county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Stewart,

A petition from sundry citizens of Rush county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Williams,

A petition from sundry citizens of Jackson county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Ferris,

A petition from sundry citizens of the county of St. Joseph, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Newcomb, from the Committee on Ways and Means, made the following report:

MR. SPEAKER:

The Committee of Ways and Means, to whom was referred House bill No. 161—entitled “an act to amend section 123 and

124 of an act entitled "an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors and appraisers of real property, County Treasurers, Auditors, and of the Treasurer and Auditor of State," approved June 21, 1852"—have had the same under consideration, and direct me to report the same back to the House with the recommendation that it is inexpedient to further legislate on the subject, and that said bill be laid on the table.

Which was concurred in.

Mr. Newcomb, from the Committee on Ways and Means, made the following report:

MR. SPEAKER:

The Committee of Ways and Means, to whom was referred House bill No. 138—"an act to amend sections 22, 70 and 91 of an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, appraisers of real property, County Treasurers and Auditors, and the Treasurer and Auditor of State," approved June 21, 1852—have had the same under consideration, and direct me to report the same back to the House with the recommendation that it is inexpedient to further legislate on the subject, and that said bill be laid upon the table.

Which was concurred in.

Mr. Newcomb, from the Committee of Ways and Means, made the following report:

MR. SPEAKER:

The Committee of Ways and Means, to whom was referred House bill 149—entitled an act to provide for taxing bonds and other securities of the United States—have had the same under consideration, and recommend that it be referred to the Committee on the Judiciary, to inquire into the constitutional power of the State to tax the income arising from the bonds of the United States in the hands of its citizens.

Which was concurred in, and said bill referred to the Committee on the Judiciary.

Mr. Dunn, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred resolution No. 24, direct me to report the same back, with accompanying bill, and recommend the passage thereof.

House bill No. 207—a bill to amend section 405 of “an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in courts of this State; to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleadings and practice without distinction between law and equity,” approved June 18, 1852.

Which bill was read a first time, and passed to a second reading.

Mr. Baker, from the Committee of the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 77—a bill to increase the salary of the prosecuting attorneys of the Sixteenth Judicial Circuit, and providing the manner of paying the same—have had the same under consideration, and directed me to report said bill back with one amendment, and when so amended recommend its passage:

Amend House bill No. 77 as follows: Strike out all after the enacting clause and insert the following, in lieu thereof: That there shall be allowed the prosecuting attorneys of the Criminal Circuit Courts in this State, one thousand dollars in addition to the salary now allowed them by law, to be paid quarterly out of the County Treasury of the county in which the Criminal Court is organized.

Section 2. It is declared that an emergency exists for the immediate taking effect of this act, and that therefore the same shall be in force from and after its passage.

Which was laid on the table.



Mr. Smith, of Lagrange, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 95—entitled a bill to amend section one of an act regulating foreign insurance companies doing business in this State, prescribing the duties of the agents thereof, and of the Auditor of State in connection therewith, and providing penalties for its violation—have considered the same, and instruct me to report to the House that legislation on the subject of the bill is inexpedient, and to recommend that the further consideration thereof be indefinitely postponed.

Mr. Shuey moved to amend by laying said bill on the table.

Which was agreed to.

Mr. Ratliff, from the Committee on Education, to whom was referred House bill No. 199—repealing an act “to create a State Normal School, and declaring an emergency,” approved December 20, 1865—have had the same under consideration, and direct me to report it back to the House and recommend that it be indefinitely postponed.

Which was laid upon the table.

Mr. Ratliff, from the Committee on Education, made the following report:

MR. SPEAKER:

The Committee on Education, to whom was referred House bill No. 153—repealing section fifteen of an act creating a State Normal School, approved December 20, 1865—which section provides for setting apart as soon as said Normal School shall be opened to receive pupils, the sum of \$5,000, semi-annually, to be known as the Normal School Fund—have had the subject under consideration, and direct me to report the same back to the House and recommend that it be indefinitely postponed.

Which was laid on the table.

The Speaker laid before the House the following communication from the Auditor of State, with accompanying reports:

OFFICE OF AUDITOR OF STATE,  
INDIANAPOLIS, Feb. 1, 1867. }

HON. D. C. BRANHAM,

*Speaker of the House of Representatives:*

SIR:—In response to a resolution adopted by the House on the 31st ult., I have the honor to transmit herewith reports of fees received by county officers for the year 1866.

Very respectfully, your obedient servant,

T. B. McCARTY,

*Auditor of State.*

Which were referred to the Committee on Fees and Salaries.

Mr. Wason, from the Committee on Education, made the following report:

MR. SPEAKER:

The Committee to whom was referred House joint resolution No. 8—entitled a joint resolution proposing an amendment to article eight of the constitution, so as to enable cities and towns to pay taxes for the support of common schools, introduced by Mr. McLean, of Vigo—have had the same under consideration, and respectfully beg leave to report the same back and recommend its adoption.

Which was concurred in.

Mr. Corey, from the Committee on Education, made the following report:

MR. SPEAKER.

The Committee on Education, to whom was referred House bill No. 167, have had the same under consideration and have instructed me to report the same back to the House, with the recommendation that it be laid on the table.

Which was concurred in, and the bill laid on the table.

Mr. Thrasher, from Committee on Roads, made the following report:

MR. SPEAKER:

Your Committee, to whom was referred petition No. 7—asking an appropriation for building a certain road, as set forth in the petition—have had the same under consideration, and report it inexpedient to make such appropriation.

Which was laid on the table.

The Speaker obtained leave of absence till Monday next.

Mr. Higgins was called to the Chair.

Mr. Bruckner, from the Committee on Corporations, made the following report:

MR. SPEAKER:

The Committee on Corporations, to whom was referred House bill No. 177—an act to amend the third section of act repealing all general laws now in force for the incorporation of cities, providing for the incorporation of cities, prescribing their powers, rights and duties, and the manner in which they shall exercise the same, and regulating other matters properly connected therewith, and repealing certain acts therein specified, approved December 20, 1865—have had the same under consideration, and report the same back to the House and recommend its passage.

Which was concurred in.

Mr. Brucker, from the Committee on Corporations, made the following report:

MR. SPEAKER:

The Committee on Corporations, to whom was referred House bill No. 97—a bill to amend the second section of an act entitled "An act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855—have had the same under consideration, and have in-

structed me to report the same back to the House and recommend that it do pass.

Which was laid on the table.

Mr. Honneus, from the Special Committee on Ventilation, made the following report:

MR. SPEAKER:

The committee to whom was referred the subject of ventilating the hall of the House of Representatives, have had the matter under consideration, and respectfully submit the following report:

To make a complete and full report on the subject of ventilation, would require more time than your committee can spare at this time, and will, therefore, not enter into that subject to explain in detail all that can be said on the subject of ventilation. Upon examination we find that a house could not be worse constructed than the hall of the House of Representatives is constructed in regard to ventilation. The great defect is want of air. Four stoves and generally one hundred and fifty persons consume so much air, that it produces a vacuum, and in consequence does not afford sufficient oxygen to vitalize the blood, and therefore produces headache and an unanimated system. In order to fill the vacuum the windows are opened, when the air rushes into the room in such a torrent as to chill persons sitting near the windows, and by sudden obstruction of the perspiration produce what is called a cold. In order to remedy this, means should be devised to introduce warm air instead of cold air, by letting in cold air according to the laws of gravitation. Cold air, being heavier than warm air, settles to the bottom of the floor and produces cold feet, very injurious to health. Upon examination it is found that the heaters are not furnished with a sufficient quantity of pure air; the air that is supplied to the heaters is received from a cellar filled with dust and filth, and the air is in a vitiated condition before it enters the heaters, and is then transmitted through the heating pipes to the hall, where, in its stagnated condition, it is inhaled and produces sickness. After air has been inhaled it becomes deoxygenated, and as it is heavier than pure air, it settles to the floor. Stoves in operation that consume air from the room where they are placed, are the best ventilators for taking out this heavy, vitiated air. In order to send pure, warm air to the hall of the House, it will require a tube of as large a caliber as all

the tubes that are now conveying heated air to the hall, to bring pure, fresh air from the outside of the house to the bottom of the heaters. The tubes now conveying hot air to the hall of the House are not of sufficient caliber, in our opinion, and should be made larger. We recommend that the tubes conveying the hot air to the hall of the House be made double the size in caliber that they now are, and that tubes of the same caliber be constructed to bring pure air from the outside of the building, and placed so that they will discharge air at the bottom of the heaters. And we recommend that after said tubes be so placed, that the valves or dampers at the top of the tubes be removed so that an abundance of pure warm air may continually flow into the hall of the House.

Which was concurred in.

Mr. Green, from a Special Committee, made the following report:

MR. SPEAKER:

The Special committee, to whom was referred House bill No. 203—entitled an act fixing the time of holding the Court of Common Pleas in the Fifth Judicial District, repealing all other laws on the same subject, and declaring when this act shall take effect—have had the same under consideration and recommend its passage.

Which was laid on the table.

#### INTRODUCTION OF BILLS, ETC.

Mr. Bird introduced

House bill No. 208. A bill for the protection of young pigs from foxes and wild cats.

Which was read a first time, and passed to a second reading.

Mr. Peelle introduced

House bill No. 209. A bill to authorize Canal Companies which have ceased to be used for purposes of navigation to lease to Hydraulic Companies said canals, or parts thereof, and authorizing Hydraulic Companies to control the same, and requiring

them to be kept in repair, and to fulfill leases made by State or county companies.

Which was read a first time, and referred to the Committee on the Judiciary.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following resolution thereof, to-wit, in which the concurrence of the House is respectfully requested:

*Resolved by the General Assembly of the State of Indiana, That the Auditor of State be directed to inquire of the Auditors of the several counties of the State, 1st. What number of incurable insane are now provided for at the public expense in their respective counties. 2d. Where the said insane are kept and in what manner?*

*Resolved, That from the report so obtained from the several County Auditors, the Auditor of State be directed to prepare an abstract for the use of the General Assembly.*

Also, engrossed Senate bills thereof, to-wit:

Engrossed Senate bill, No. 29, entitled a bill to define who are competent witnesses in this State.

Engrossed Senate bill No. 58, entitled a bill to amend an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of Assessors, Appraisers of real property, County Treasurers and Auditors, and of the Treasurer and Auditor of State."

Engrossed Senate bill No. 32, entitled a bill to provide for issuing *capias ad satisfaciendum*, when, in actions for replevin of personal property, defendant shall fraudulently conceal, remove, transfer, withhold or refuse to deliver said property, and providing the manner of proceedings to obtain said writ in certain cases therein specified.

Engrossed Senate bill No. 43, entitled a bill to amend section fifteen of an act entitled "an act to provide for the opening, vacating and changing of highways," approved June 17, 1852.

Engrossed Senate bill No. 33, entitled a bill to amend sections 10, 13, 14 and 15 of an act entitled "an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855.

In all of which the concurrence of the House is respectfully requested.

Mr. McLean moved that the House take up the foregoing message from the Senate.

Which was agreed to.

Mr. Moore introduced

House bill No. 210. A bill to amend section 12 of an act to provide for a general system of Common Schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed.

Which was read a first time, and referred to the Committee on Education.

Mr. Shuey introduced

House bill No. 211. An act to authorize Hydraulic Companies to appropriate lands to their use upon paying the assessed value thereof, and providing for such assessment.

Which was read a first time and passed to a second reading.

Mr. Wolflin introduced

House bill No. 212. A bill to repeal a portion of the forty-first section of an act entitled "an act to repeal all general laws now in force for the incorporation of cities, providing for the incorporation of cities, prescribing their rights, powers and duties, and the manner in which they shall exercise the same, and regulating other matters

properly connected therewith, and repealing certain acts therein specified," approved December 20, 1865.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Wason introduced

House bill No. 213. A bill to amend sections one and four of an act entitled "an act to provide for a general system of Common Schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed.

Which was read a first time, and referred to the Committee on Education.

Mr. Campbell introduced

House bill No. 214. A bill creating, establishing and providing for the management and maintenance of four Colleges of Agriculture and the Mechanic Arts, to be located at Indianapolis, Crawfordsville, Greencastle and Bloomington.

Which was read a first time, and referred to the Joint Committee, composed of the Committees on Education and Agriculture.

Mr. Lopp introduced

House bill No. 215. A bill to exempt soldiers, and the widows and children of soldiers, who were in the service of the United States, during the late rebellion, and who are, or may be upon the pension rolls of the United States, from poll tax and from tax on property where the amount of taxable property of such soldier's widow or child shall not exceed one thousand dollars of assessed value.

Which was read a first time, and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Mr. McClasky introduced

House bill No. 216, A bill discharging the tax payers of Montgomery county, in the State of Indiana, from liability in the case



of a judgment rendered in favor of the State against William H. Schooler, as Treasurer of said county, and declaring an emergency therefor.

Which was read a first time.

Mr. Wolfe moved that said bill, No. 216, be referred to the Committee on the Judiciary.

Which was not agreed to.

Mr. Newcomb moved that said bill be referred to the Committee of Ways and Means.

Which was agreed to.

## ORDERS OF THE DAY.

### SENATE BILLS ON SECOND READING.

Senate bill No. 98 was read a second time and passed to a third reading.

Engrossed Senate bill No. 7. A bill to repeal an act entitled "an act to enforce the thirteenth article of the Constitution."

Was read a second time, and passed to a third reading.

House bill No. 167 was read a second time, ordered to be engrossed, and passed to a third reading.

House bill No. 185 was read a second time, ordered to be engrossed, and passed to a third reading.

House bill No. 148 was read a second time, ordered to be engrossed, and passed to a third reading.

House bill No. 99 was read a second time, ordered to be engrossed, and passed to a third reading.

House bill No. 13 was read a second time, ordered to be engrossed, and passed to a third reading.

House bill No. 26 was read a second time, and ordered to be engrossed, and passed to a third reading.

House bill No. 48 was read a second time, ordered to be engrossed, and passed to a third reading.

House bill No. 80 was read a second time, ordered to be engrossed, and passed to a third reading.

House bill No. 91 was read a second time, ordered to be engrossed, and passed to a third reading.

House bill No. 129. A bill to provide for the improvement of highways, and repealing all laws conflicting therewith:

Was read a second time.

Mr. Greer moved to amend by adding to the second section the following: "retaining the amount necessary to procure the necessary tools for the several road districts, which amount he shall appropriate for that purpose."

Mr. Wolfe moved to amend by striking out all referring to the amount of said road tax and inserting after the words "road tax," "which shall be in amount according to their discretion," in the first section.

Mr. White moved to amend the amendment by adding, after the word "commissioners," the words "in conjunction with the township trustees."

Mr. Foulke moved to amend by substituting the following: "Shall assess annually a road tax not to exceed twenty-five cents on the one hundred dollars."

Which was ruled by the Speaker to be out of order.

The question being on the amendment by Mr. White.

Mr. Newcomb moved that the bill, with the pending amendments, be referred to a Special Committee of five.

Which was agreed to.

Messrs. Campbell and Blanch obtained leave to record their votes in favor of the passage of Senate Joint Resolution No. 1, ratifying the Constitutional Amendment proposed by Congress.

Mr. Long, of Jackson, obtained leave to record his vote against the passage of said Senate Joint Resolution No. 1.

Mr. Long, of Jackson, also obtained leave to record his vote for the election of Daniel W. Voorhees to the United States Senate.

House bill No. 101. A bill to amend the act entitled an act to amend the act entitled "an act authorizing the construction of plank, macadamized and gravel roads, and to empower the same to make sale of a portion of their roads," approved February 28, 1855.

Was read a second time.

Mr. Miller offered the following amendment:

That there is an emergency for the immediate taking effect of this act, the same shall therefore be in force from and after its passage.

Which was agreed to.

The bill as amended was ordered to be engrossed.

House bill No. 140 was read a second time, and on motion by Mr. Wolfe, was referred to the Committee on the Judiciary.

House bill No. 141 was read a second time.

Mr. Griggs offered the following amendment:

Amend by inserting "six per cent." where "ten per cent." occurs.

Mr. Belford moved to lay the amendment on the table.

Which was agreed to.

The bill was then ordered to be engrossed.

House bill No. 144 was read a second time, ordered to be engrossed, and passed to a third reading.

House bill No. 152 was read a second time, ordered to be engrossed, and passed to a third reading.

House bill No. 175 was read a second time, ordered to be engrossed, and passed to a third reading.

House bill No. 181 was read a second time, ordered to be engrossed, and passed to a third reading.

House bill No. 191 was read a second time.

Mr. Hartman offered the following amendment:

Strike out the words "twenty days," and insert in lieu thereof "ninety days."

Which was agreed to.

Mr. Bobo offered the following amendment to said bill:

Strike out the words "twenty-five cents," and insert in lieu thereof "fifty cents."

Mr. Newcomb moved that said bill and amendments be postponed one week.

Which was agreed to.

House bill No. 189 was read a second time, ordered to be engrossed, and passed to a third reading.

House bill No. 63 was read a second time, ordered to be engrossed, and passed to a third reading.

House bill No. 158 was read a second time, ordered to be engrossed, and passed to a third reading.

House bill No. 81 was read a second time.

On motion, by Mr. McFadin, said bill was laid on the table temporarily.

The Speaker announced the following persons as the special committee of five, for the consideration of House bill No. 129:

Messrs. Greer, White, Wolfe, Foulke, and Wolfer.

Mr. Belford moved to make House bill No. 71 the special order for the day on Wednesday afternoon, at 2 o'clock.

Which was agreed to.

#### SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of House bill No. 190.

Mr. Newcomb moved that it be made the special order for Monday next, at 3 o'clock P. M.

Which was agreed to.

Mr. McFadin moved that House bill No. 83 be made the special order for the day on Wednesday next, at 3 o'clock P. M.

Which was agreed to.

Mr. White, by consent, offered the following resolution:

*Resolved*, That the State Librarian be, and he is hereby instructed to carry into effect the suggestions of the report of the Committee on Ventilation of this Hall.

Mr. Lopp moved to amend by adding the following:

"Provided the cost thereof shall not exceed one hundred dollars."

Which was not agreed to.

Mr. Stewart moved that the whole subject be referred to the Committee on Ventilation of the Hall of Representatives, and the State Librarian.

Which was agreed to.

Mr. Belford, by consent, introduced

House Joint Resolution No. 9. A Joint resolution declaring that there is now no law in force authorizing the payment of any money out of the State Treasury for the purpose of defraying the expenses of the Indiana Military Agency for soldiers' claims, at Indianapolis, Indiana, or the State Military Agency, acting in connection therewith, at Washington City, District of Columbia, or the salaries of clerks, office rent, or other expenses connected with said agencies, and abolishing the so called offices, and pro-

hibiting the further payment of any money from said Treasury for the use and benefit of said agencies, and to provide for the closing up of such business, and discontinuance of said offices.

Which was read a first time, and referred to the Committee on Military Affairs.

Mr. Woods obtained leave, and introduced

House bill No. 217. A bill concerning tax sales, and to limit the time within which actions may be brought, to set aside, vacate or annul such sales, or deeds made in pursuance thereof, or recover possession of real estate sold.

Which was read a first time, and passed to a second reading.

Mr. Litson, by consent, offered the following resolution :

*Resolved*, That there be printed, for the use of the Senate and House of Representatives, three hundred copies of the report of the Indiana Commissioner for the National Cemetery at Gettysburg, provided the cost thereof shall not exceed one hundred dollars.

Which was not agreed to.

Mr. Fuller, by consent, offered the following resolution :

*Resolved*, That there be a committee of one from each Congressional district appointed to inquire into the expediency of fixing by law the distance from the several counties in the State to the State Prison, whereby the mileage of Sheriffs conveying convicts to said Prison may be determined.

Which was agreed to.

Mr. Woods obtained leave, and introduced.

House bill No. 218. A bill to regulate the taxation of costs in certain cases.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Foulke moved that when the house adjourns, it adjourn to meet on Wednesday, at 2 o'clock P. M.

Which was agreed to.

On motion of Mr. Litson, the House adjourned.

MONDAY AFTERNOON, 2 O'CLOCK, {  
FEBRUARY 4, 1867. }

The House met, and was called to order by the Clerk.

On motion, Mr. McLean was called to the chair.

On motion, by Mr. Crain, the reading of the Journal was dispensed with.

Mr. Hughes moved a call of the House.

Which was agreed to.

The following persons answered to their names:

Messrs. Belford, Bird, Black, Blanch, Bobo, Campbell, Chambers, Corey, Crain, Crowe, Douglass, Ervin, Evans, Ferris, Funk, Greene, Griggs, Hartman, Hamilton, Higgins, Hopkins, Hostetter, Hughes, Hungate, Kiser, Litson, Lopp, McClasky, McFadin, McLean, McMurray, Miller, Moore, Montgomery, Newcomb, O'Neil, North, Prather, Ratliff, Ross, Rosser, Sabin, Shook, Shoaff, Shull, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stafford, Stewart, Tebbs, Thatcher, Thomas, Vawter, Wason, Watson, Williams, Wolfer, Woods, and Wright—62.

Messrs. Foulke, Gordon, Long of Jackson, Martin, and White, were absent without leave.

Mr. Higgins moved that the House do now adjourn.

Which was not agreed to.

Mr. Douglass offered the following resolution:

*Resolved*, That the Doorkeeper be required, and is hereby authorized, by the House of Representatives, to bring to the House, by force or otherwise, all members who are now in the City of Indianapolis, and have no permission for their absence, and that

the door of the House be closed until the Doorkeeper makes his report.

Hr. Hughes moved to dispense with further business under the call of the House.

Which was agreed to.

Mr. Hughes moved that the House do now adjourn.

Which was agreed to.



TUESDAY AFTERNOON, 2 o'clock, }  
February 5, 1867.

The House met, and was called to order by the Clerk.

On motion by Mr. Hamilton, Mr. McLean was called to the Chair.

The Journal was read and approved.

PETITIONS, MEMORIALS, CLAIMS, ETC.

By Mr. Danaldson,

A petition from sundry citizens of Parke county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. Hamilton,

A petition from sundry citizens of Marion county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. Hamilton,

A petition from sundry citizens of Marion county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. Danaldson,

A petition from sundry citizens of Parke county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. Hamilton,

A petition from sundry citizens of Marion county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. Skidmore,

A petition from sundry citizens of Vermillion county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. Shoeff,

Two petitions from sundry citizens of Allen county, asking for a prohibitory liquor law.

Which were referred to the Committee on Temperance without reading.

By Mr. Hays,

A petition from sundry citizens of Owen county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. Black,

A petition from sundry citizens of Madison county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. Shields,

A petition from sundry citizens of Fulton county, asking for a prohibitory liquor law:

Which was referred to the Committee on Temperance without reading.

By Mr. Thomas,

A petition from sundry citizens of Hendricks and Boone counties, in relation to a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. McFadin,

Sundry claims of J. C. Walker, asking for reimbursement on account of money paid out by him as Agent for the State of Indiana.

Which was referred to the Committee on Claims without reading.

By Mr. Campbell,

A petition from sundry citizens of Hendricks county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. Spencer,

A petition from sundry citizens of Benton county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. Ratliff,

A petition from sundry citizens of Grant county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. Watson,

A petition from sundry citizens of ——— county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. Chambers,

A petition from sundry citizens of Henry county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. Ervin,

A petition from sundry citizens of Delaware county, asking for a prohibitory liquor law, which was referred to the Committee on Temperance without reading.

By Mr. Ferris,

A petition from sundry citizens of St. Joseph county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. Corey,

A petition from sundry citizens of Franklin county, asking for a prohibitory liquor law.

Which was read and referred to the Committee on Temperance.

By Mr. Ratliff,

A petition from sundry citizens of Grant county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. Danaldson,

A petition from N. Thomas and other citizens of Fountain county, asking for the passage of a law for the destruction of hawks.

Which was read and referred to the Committee on the Rights and Privileges of the Inhabitants of this State.

By Mr. Danaldson,

A petition from sundry citizens of Parke county, in relation to hawks.

Which was read and referred to the Committee on the Rights and Privileges of the Inhabitants of this State.

## REPORTS FROM STANDING COMMITTEES.

Mr. Woods, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 108—a bill requiring clerks of the Circuit Courts and Courts of Common Pleas, to make indexes to certain record books of their respective offices, and providing compensation therefor—have had the same under consideration, and directed me to report the same back to the House with one amendment, and when so amended recommend its passage.

Which was concurred in, and the bill laid on the table.

Mr. Woods, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 133—a bill to amend the 38th section of an act entitled “an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases,” approved June 9, 1852, have considered the same, and instructed me to report said bill back without amendment and recommend its passage.

Which was laid on the table.

Mr. Woods, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 162—a bill to repeal an act entitled “an act to repeal sections forty-three and forty-four of an act entitled an act prescribing who may make a will, the effect thereof, what may be devised regulating the revocation, admission to probate, and contest thereof,” approved May 31, 1852, approved December 21, 1865—have had the

same under consideration, and directed me to report said bill back to the House without amendment, and recommend its passage.

Which was laid on the table.

Message from the Senate by Mr. Wilson, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the following House concurrent resolution to-wit :

WHEREAS, Henry S. Cauthern, Esq. is the owner of the complete files of the Vincennes Western Sun newspaper for the years 1807, 1808, 1809, and 1810, containing the debates and laws of the Territorial Legislatures of those years; therefore be it

*Resolved, the Senate concurring,* That the State Librarian be authorized to negotiate for the purchase of said files of papers, and report to this General Assembly the probable price at which they can be procured for the use of the State.

Mr. Woods, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

The Committee on the Judiciary, to whom was referred House bill No. 171—a bill concerning witnesses, providing that no person shall be held incompetent to be a witness by reason of race or color, and repealing an act entitled “an act defining who shall be competent witnesses in any court or judicial proceeding in this State, and to repeal all laws and parts of laws in conflict with the provisions of this act,” approved December 20th, 1865, have had said bill under consideration, and a majority of the committee have directed me to report the same back to the House without amendment, and recommend its passage.

Which was laid on the table.

Mr. Baker, from the judiciary committee, made the following report :

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 187—entitled “an act authorizing Clerks of Circuit and Common Pleas Courts to try and determine suits of *habeas corpus*, issue writs of injunction, and temporary restraining orders, and defining additional duties thereof”—have considered the same, and direct me to report said bill back to the House, and recommend that it be indefinitely postponed.

Which was concurred in, and House bill No. 187 was indefinitely postponed.

Mr. McFadin, from the Judiciary Committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 157—being an act to amend section six hundred and forty-nine (649) and six hundred and fifty (650) of the act entitled “an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State,” &c., &c.—have considered the same, and direct me to report said bill back to the House without amendment, and recommend its passage.

Which was laid on the table.

Mr. McFadin, from the Committee on the Judiciary, to whom was referred a resolution requesting said committee to inquire as to the expediency and justness of the State paying all witnesses whose attendance and services are demanded by the State, in the prosecution of the pleas of the State, and report by bill or otherwise, have had the subject under consideration, and directed me to report that, while the committee believe there are cases where it would be eminently just for the State to pay her witnesses fees, yet, in viewing the whole ground covered by the resolution, your committee are of the opinion that legislation on the subject is inexpedient, and ask to be discharged from the further consideration of the resolution.

Which was concurred in.

Mr. McFadin, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred a resolution directing said committee to inquire into the expediency of holding elections on some day different from the spring and fall elections, for the purpose of electing Judges of the Supreme, Circuit and Common Pleas Courts, and that they report by bill or otherwise, have considered the subject of said resolution, and directed me to report that, in the opinion of said committee, it is inexpedient to legislate upon the subject, and ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Smith, of Lagrange, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 55—a bill regulating the interest on money, &c., &c.—have had the same under consideration, and a majority of said committee, have directed me to report the same back to the House without amendment and recommend its passage.

Which was laid on the table.

Mr. Belford, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 130—a bill to amend section twenty-eight of an act entitled “an act defining felonies, and prescribing punishment therefor,” approved June 10, 1852—have had said bill under consideration, and direct me to report the same back to the House with one amendment, and, when so amended, recommend its passage.



Amend House bill No. 130, as follows:

Immediately after the word "building," in the first line of the fifth page of the bill, insert the words "or structure, whether finished or unfinished."

Which was laid on the table.

Mr. Belford, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 156—a bill to prevent certain persons from voting or holding any office in the State of Indiana—have considered the same, and a majority of said committee have instructed me to report said bill back without amendment, and recommend its passage.

Which was laid on the table.

Mr. Belford, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 7—a bill to authorize the Judges of the Circuit Courts in this State to receive pleas of guilty from persons in prison, and fix the punishment of offenders during the vacation of Court—have considered the same, and a majority of the committee have directed me to report said bill back to the House with one amendment, and when so amended, recommend that it be passed.

Strike out all after the enacting clause, and insert the following in lieu thereof:

That hereafter, if any person shall be confined in prison in any county of this State, on a charge of either a felony or misdemeanor, and shall desire to enter a plea of guilty to such charge during the vacation of Court in the county in which the offense was committed, it shall be lawful for such persons to inform the judge of said court of such desire, by a request in writing, whereupon the judge of such court shall fix a time and place for hear-

ing such plea, and if no indictment has been preferred against such prisoner by the proper authority on such charge, shall notify the Prosecuting Attorney thereof, who shall immediately prepare and file in the office of the clerk of such court, an information against said party, specifying the offense with which the party is so charged, and the party shall be required to enter a full waiver of all and every defect, if any there be, either in such information, or affidavit upon which the party was examined and committed.

SEC. 2. And thereupon, at the time and place appointed by such judge, which shall be either at the court house, or the office of the clerk of such court, he shall attend, and direct the sheriff to produce such prisoner before him for the purpose of entering his said plea, and if such prisoner, after being fully advised by the judge as to the effect of such plea, and the nature of the punishment which may be lawfully inflicted on him, shall plead guilty to such charge, whether contained in an indictment or information, such judge shall receive such plea, fix the punishment of such prisoner, and enter all proper judgments and orders in reference thereto, in the same manner, and with like effect, as if made in term time. *Provided*, That where the party desiring to plead guilty is charged with a misdemeanor, the judge shall cause the witness subscribing the affidavit to be sudpœnæd to appear at the time and place fixed for hearing said plea, as above provided.

Which was laid on the table.

Mr. Belford, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 150—a bill to amend the 412th section of chapter first of an act entitled “an act to revise, simplify and abridge the rules, practice and pleadings, and forms in civil cases, in the State,” &c.—have had the same under consideration, and have directed me to report the same back to the House with the recommendation that it be indefinitely postponed.

Which was concurred in, and House bill No. 150 was postponed.

Mr. Griggs, from the Judiciary Committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 145—a bill to amend the fifth clause of section twenty-two of an act entitled “an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties,” approved June 11th, 1852, have considered the same, and directed me to report said bill back to the House with one amendment, and when so amended recommend its passage.

Amend House bill No. 145 as follows:

Strike out all after the enacting clause, and insert the following:

SECTION 1. Whereas, section twenty-two of an act entitled “an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties,” approved June 11, 1852, as follows:

SEC. 22. The Board of Trustees shall have the following powers, viz:

*First.* To have a common seal and alter the same.

*Second.* To purchase, hold, or convey any estate, real or personal, for the use of the corporation, so far as such purchase may be necessary to carry out the [objects] contemplated by this act.

*Third.* To organize fire companies, hook and ladder companies, to regulate their government, and the times and manner of their exercise; to provide all necessary apparatus for the extinguishment of fires; to make owners of buildings provide ladders and fire buckets, which are hereby declared to be appurtenances to the real estate, and exempt from execution, seizure or sale; and if the owner shall refuse to procure suitable ladders or fire buckets, after reasonable notice, the trustees may procure and deliver the same to him, and, in default of payment therefor, may recover of said owner the value of such ladder or fire buckets, by suit before any justice of the peace in the proper township, and costs accrued

thereby; to regulate the storage of gunpowder and other dangerous material, to direct the construction of a place for the safe deposit of ashes; and may, under an order, by them entered upon the proper book of the board, visit, or appoint one or more fire wardens to visit and examine at all reasonable hours, dwelling-houses, lots, yards, enclosures and buildings of every description, discover if any of them are in a dangerous condition, and provide proper remedies for such danger; to regulate the manner of putting up stove pipes; to prevent out-fires, and the use of fireworks, and the discharge of firearms within the limits of said corporation, or such parts thereof as they may think proper; to compel the inhabitants of such towns to aid in the extinguishment of fire, and prevent its communication to other buildings, under such penalties as are in this act provided; to construct and preserve reservoirs, wells, pumps, and other water works, and to regulate the use thereof, and generally to establish other measures of prudence for the prevention or extinguishment of fires, as they may deem proper.

*Fourth.* To declare what shall constitute a nuisance, and to prevent, abate and remove the same, and take such other measures for the preservation of the public health as they shall deem necessary.

*Fifth.* To restrain from running at large cattle, sheep, swine, or other animals.

*Sixth.* To restrain and prohibit gambling and other disorderly conduct, to suppress and prohibit the keeping of houses of ill fame, and to authorize the seizure and destruction of gambling apparatus.

*Seventh.* To license, regulate, or restrain auction establishments, traveling peddlers, and public exhibitions within the corporation.

And whereas, it is deemed expedient to amend the seventh clause of said section twenty-two:

SEC. 2. *Be it enacted by the General Assembly of the State of Indiana,* That the said seventh clause of section twenty-two, of said act be amended to read as follows:

*Seventh.* To license, regulate or restrain auction establishments, traveling peddlers, public exhibitions, and the sale of spirituous, vinous, malt and other intoxicating liquors within the corporation. *Provided,* That where such license is granted to sell spirituous, vinous, malt and other intoxicating liquors, a sum not exceeding double the amount required by the statutes of the State for license to sell or retail intoxicating liquors, may be required to be paid into the treasury of the corporation by the person so licensed before receiving such license.

SEC. 3. There being an emergency for the immediate taking effect of this act, therefore it shall be in force and effect from and after its passage.

Which was laid on the table.

Mr. Griggs, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 134—a bill to prevent importation, to protect legal voters, and to punish those who, for fee or reward, induce one to vote differently from his sentiments—have considered the same, and direct me to report said bill back to the House with a recommendation that it lie on the table.

Which was concurred in and House bill No. 134 was laid on the table.

Mr. Griggs, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 106—entitled an “act to amend section seven of an act entitled an act regulating the fees of officers, and repealing former acts in relation thereto”—have considered the same, and instruct me to report said bill back to the House, and recommend that it be indefinitely postponed.

Which was laid on the table.

Mr. Griggs, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 168—a bill to amend section one of an act entitled “an act prohibiting Supreme, Circuit, or Common Pleas Judges, County Clerks, Auditors, Treasurers, Recorders, Sheriffs, and their deputies, from practicing law in any of the courts of this State, except as in this act permitted, and prescribing punishment for the violation thereof,” approved March 6th, 1865—have had the same under consideration, and direct me to report the same back to the House with the recommendation that it do not pass.

Which was laid on the table.

Mr. Ross, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 25—a bill to provide for the registry of legal voters in this State, and matters properly connected therewith—have duly considered the same, and instruct me to report the same back with sundry amendments thereto, and when so amended, recommend its passage:

1. Amend the third section by striking out the words “Boards of Commissioners of each county,” in the first and second lines, and insert “Township Trustees of each township.”

2. Amend section sixth by striking out, next after the word “and,” in the sixth line, the words, “if there is no such paper there.”

3. Amend section eleven by striking out the word “one,” in the fifth line, and inserting in lieu thereof, the word “two.”

4. Amend section thirteen as follows: Strike out these words in the 4th, 6th and 7th lines, “and proof adduced that he is not entitled to vote.”

5. Amend section fourteen as follows: Strike out of the ninth and tenth lines these words, "and entitled to vote at said election."

6. Further amend section fourteenth by inserting, next after the word residence, in the eleventh line, the words, "and, also, his own affidavit, or that of some other competent witness, showing that he has the other qualifications of a voter at that election."

7. Strike out the sixteenth section of the bill.

8. Amend the seventeenth section by striking out all after the words "shall be," in the fourth line, and inserting these words, "and punished as is provided by law for that crime."

9. Add the following section:

SEC. —. No person shall be considered a resident of this State, so as to entitle him to vote at any election, unless he has resided within the same for six months immediately preceding such election, the commencement of which period shall date from the day he entered within the borders of the State for the purpose of making it his residence.

Which was laid on the table.

Mr. Ross, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 138, have had the same under consideration, and authorize me to report the same back with a recommendation that it be laid on the table.

Which was concurred in.

Mr. Ross, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 186, have had the same under consideration, and authorize

me to refer the same back, with the recommendation that it be indefinitely postponed.

Which was concurred in, and House bill No. 186 was indefinitely postponed.

Mr. Miller, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 126—in relation to the subject of leasing the Northern State Prison to Col. S. C. Kirkpatrick and Col. James E. Robinson—have had the same under consideration, and direct me to report the same back to the House with the recommendation that it would be beneficial and profitable to the State to lease said prison, and that the lessees named in said bill are responsible and competent persons, and suitable to take charge of said prison, and that the bill guards the interest of the State and lessees, and recommend the passage of said bill, leasing said prison to the lessees therein named, or such other persons as the House may direct.

Which was laid on the table, and,

On motion by Mr. Miller, two hundred copies were ordered to be printed.

Mr. Ross, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bills Nos. 6, 35, and 43, on the subject of registering voters, and also House bill No. 120—a bill for the protection of the ballot box, and preventing illegal voting—have directed me to report said several bills back to the House, and recommend that they be laid on the table, for the reason that the provisions of said bills are properly and sufficiently provided for in House bill No. 25, on the subject of registering the voters of the State, now pending in the House, and that said committee be discharged from the further consideration thereof.

Which was laid on the table.



Mr. Hughes, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 193—a bill amending section five of an act declaratory of the law regulating marriages, and enforcing the provisions thereof by proper penalties, approved March 5, 1852—have had said bill under consideration, and directed me to report the same back without amendment, and recommend its passage.

Which was laid on the table.

Mr. Higgins, from the Committee of Ways and Means, made the following report:

MR. SPEAKER:

The Committee of Ways and Means, to whom was referred the memorial from the members of the Quarterly Conference of Ellettsville Circuit Indiana Conference, Methodist Episcopal Church, have had the same under consideration, and have directed me to report the same back, and instructed me to report further that, in the opinion of the committee, the law as it now stands makes it the duty of the officers to assess and tax "parsonage property" like any other real estate, and that, if that kind of property has heretofore, in any case, been exempt from taxation, it has been in violation of the plain and express provisions of the statute. The committee recommend that the further consideration of the memorial be indefinitely postponed.

Which was concurred in.

Mr. Smith, of Lagrange, from the Committee on Education, made the following report:

MR. SPEAKER:

The Committee on Education, to whom was referred House bill No. 15—introduced by Mr. McLean, of Vigo—entitled "an act to carry out the provisions of an act to create a State Normal School, and declaring an emergency therefor," approved December 20th,

1865, and to appropriate the funds necessary for the erection and furnishing of the State Normal School, and providing from what fund the same shall be taken and appropriated—have had the same under consideration, and have directed me to report the same back to the House in the amended form embraced in the substitute enclosed herewith, and unanimously recommend its passage.

Which was laid on the table.

Mr. Stafford, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the claim of James Blake, for services in attending the meetings of the Board of Directors of the Soldiers' National Gettysburg Monument and Cemetery Association, in the capacity of Commissioner in behalf of Indiana, beg leave to report that they have considered the same, and recommend that said Blake be allowed the sum of two hundred and fifty dollars for per diem and expense, and that the same be referred to the Committee of Ways and Means, and be incorporated in the specific appropriation bill.

Which was concurred in.

Mr. Hughes, from the Committee on Railroads, made the following report:

MR. SPEAKER:

The Committee on Railroads, to whom was referred House bill No. 41—to regulate the issuing and granting of licenses to locomotive engineers within the State of Indiana, and prescribing penalties for the violation thereof—have had the same under consideration, and direct me to report said bill back to the House with six amendments thereto, and when so amended to recommend the passage of the bill.

1. Amend the first section by striking out all between the words "dollars" in the fourteenth line, and "and" in the seventeenth line.

2. Amend the fourth section as follows : Insert next after the word "business" in the third, line the following: "and shall keep the same open for one month from and after the date of their appointment and qualifications as such examiners, and for the first three working days in the first week of every month thereafter."

3. Amend the fifth section as follows: Strike out the word "each," in the 18th line, and insert the words "the first."

4. Strike out the words "the renewal of the same" in the 19th and 20th lines of the said section, and insert the words "each subsequent examination."

5. Further amend said fifth section by striking out all after the words "Examiners," in the 21st line, and insert the following: "Said fees, shall be by the Board of Examiners, paid into the State Treasury, and for that purpose the said Board shall, at the expiration of each month, file with the Auditor of State their report, showing the names and number of Engineers licensed, and the amount paid by each, whereupon the Auditor of State shall give such Examiners a certificate, directed to the Treasurer of State, setting forth the amount so shown to be in their hands, and said Examiners shall then file such certificate with the Treasurer of State, pay the money into the State Treasury, obtain the State Treasurer's receipt therefor, file the receipt with the the Auditor of State and get a quietus from such Auditor. The money so paid in shall be denominated the Engineer Fund. Said fund shall be paid out to such Examiners on the warrant of the Auditor of State as follows: At the expiration of the first quarter of each year, one-eighth of the said fund then on hand; at the expiration of the second quarter of each year, each Examiner shall receive one-sixth of the said fund then on hand; at the expiration of the third quarter of each year, each Examiner shall receive one-fourth of the said fund then on hand, and on the expiration of the year, each Examiner shall receive one-half of the said fund then on hand."

6. Amend section seventh by striking out all after the word "shall," in the 10th line, and insert the following: "be deemed and held liable to the penalty prescribed in section first of this act, and to the further penalty of one hundred dollars, for each and every day such unlicensed person is so employed, which additional pen-

alty shall be recovered in the manner provided in said section first: *Provided*, That the requirements of this section shall not be construed so as to forbid the employment of unlicensed persons to operate pony or switch engines, in, or about the yard, depot or shops, of any railroad company, or to take the place of a licensed engineer in case of his sickness or disability, or in case of other emergency, and run such train to its terminus. Any licensed engineer in the employment of any railroad company in this State, shall, before leaving the service of such company, give to the proper officer thereof at least five days notice of his intention so to do, and in case of refusal or neglect to give such notice, he shall forfeit the sum of one hundred dollars, which sum shall be recovered in the manner provided in section first of this act."

Which was laid on the table.

Mr. Tebbs, from the Committee on County and Township Business, made the following report:

MR. SPEAKER:

The Committee on County and Township Business, to whom was referred House bill No. 114—entitled an act authorizing the assessment of all the lands within one and one-half miles on either side, or within one and one-half miles of the terminus of any plank, macadamized or gravel road, organized under and pursuant to an act of the General Assembly of the State of Indiana, entitled "an act authorizing the construction of plank, macadamized and gravel roads," approved May 12, 1852, when the subscription to such road amounts to at least eight hundred dollars per mile, and is not sufficient for the completion of the same, and the collection of such assessment: *Provided* the lands are situated within the county where such road is located—respectfully report that they have had the same under consideration and recommend that said bill be laid on the table.

Which was concurred in.

Mr. Danaldson, from the Committee on Agriculture, made the following report:

MR. SPEAKER:

The committee to whom was referred House bill No. 154, have

had the same under advisement, and directed me to report that inasmuch as there is a bill already in the House which has passed to a third reading, of the same character, therefore report adversely to this, and ask its indefinite postponement.

Which was laid on the table.

Mr. Danaldson, from the Committee on Agriculture, made the following report :

MR. SPEAKER:

House bill No. 155, that was referred to the Committee on Agriculture, have had the same under advisement, and inasmuch as there is a bill in the House that has passed to its third reading, deem it advisable to report adverse to this, and therefore ask the indefinite postponement of the same.

Which was laid on the table.

Mr. Newcomb moved to take up House bill No. 190.

Which was agreed to.

Mr. Newcomb moved to limit the debate in Committee of the Whole to ten minutes to each member.

Which was agreed to.

On motion by Mr. Newcomb, the House resolved itself into a Committee of the Whole, with Mr. Higgins in the Chair. After remaining in session for awhile, the committee rose and made the following report through its Chairman:

MR. SPEAKER:

The Committee of the Whole House, to whom was referred House bill No. 190—a bill to raise revenue for State purposes, for the years one thousand eight hundred and sixty-seven, and one thousand eight hundred and sixty-eight—have had the same under consideration, and direct me to report the following amendment :

Strike out "seventy-five cents," and insert "sixty cents" in lieu thereof in the first section of said bill, and when so amended recommend its passage.

The report was concurred in and the amendment adopted.

Mr. Newcomb moved that said bill be considered as engrossed, and read a third time now.

Which was agreed to.

So House bill No. 190 was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Bischof, Black, Blanch, Campbell, Chambers, Crain, Crowe, Danaldson, Douglass, Ervin, Evans, Ferris, Foulke, Funk, Gordon, Green, Griggs, Hartman, Hamilton, Hays, Higgins, Hopkins, Hostetter, Hudson, Hughes, Hungate, Kiser, Litson, Long of Jackson, Lopp, Martin, Matthis, McClasky, McFadin, McLean, McMurry, Miller, Moore, Newcomb, O'Niel, North, Prather, Ratliff, Ross, Rosser, Sabin, Scammahorn, Shanks, Shields, Shook, Shoaff, Shull, Shuey, Skidmore, Smith of Lagrange, Smith, of Wabash, Spencer, Stafford, Stewart, Tebbs, Thacher, Thomas, Vawter, Mason, Watson, Williams, White, Wolfer, Woods, Wright—71.

Those who voted in the negative were,

Messrs. Bird, Bobo, Corey, Montgomery, Van Valkerburgh—5.

So the bill passed.

The question being, shall the title, as read, stand as the title to said bill.

It was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

The Clerk laid before the House the following communication from the Speaker :

HOME, Feb. 5, 1867.

FRIEND NIXON :

My brother died last night and will be buried to-morrow, and I will return to my post on Thursday next, should nothing prevent.

I am worn down with watching, having been with my sick brother day and night since my arrival home. I regret my absence from the House very much, but hope soon to be at my post. I know that I have no right to introduce my private grief upon the public, nor to have the House delay the public business, and if I thought our friends desired it, I would send my resignation to the Governor at once. At no time have I desired prominence in political affairs, and earthly honors when viewed from the grave of a dear, dear brother, have no charms for me. The highest political honor I desire is to be an intelligent, independent and honest American citizen.

Yours truly,

D. C. BRANHAM.

On motion by Mr. McFadin,

*Resolved*, That the members of the House tender to Speaker Branham their condolence in this his hour of affliction, in the loss of a near and dear relation.

Which was adopted.

Mr. Watson, from the Committee on Corporations, to whom was referred House bill No. 96—entitled a bill authorizing the Board of Trustees of incorporated towns to establish fire limits, and to prevent the erection of wooden buildings within such limits—have had the same under consideration and have instructed me to report the same back and recommend its passage.

Which was laid on the table.

Mr. Watson, from the Committee on Corporations, made the following report:

MR. SPEAKER:

The committee to whom was referred House bill No. 27—entitled an act to authorize incorporated towns to prepare, execute and sell bonds to provide means to erect and complete unfinished school buildings, and to authorize the levy and collection of an additional special school tax to pay the interest and principal of such bonds—have had the same under consideration and have directed me to report the same back to the House and recommend its passage.

Which was laid on the table.

Mr. Bobo, from the Committee on Corporations, made the following report :

MR. SPEAKER :

I am directed by the Committee on Corporations, to whom was referred House bill No. 204—entitled a bill to incorporate the Indiana Soapstone Stove Company—to report the same back to the House and recommend its passage.

Which was laid on the table.

Mr. Chambers, from the Committee on Corporations, made the following report :

MR. SPEAKER :

The Committee on Corporations, to whom was referred House bill No. 104—entitled a bill to amend section thirty-five of an act repealing all general laws now in force for the incorporation of cities, prescribing their powers rights and duties, and the manner in which they shall exercise the same, and regulating certain acts therein specified, approved Dec. 20, 1865—have had the same under consideration and have instructed me to report the same back and recommend that it be laid on the table.

On motion by Mr. Miller, said bill was recommitted to the Committee on Corporations.

Mr. Chambers, from the Committee on Corporations, made the following report :

MR. SPEAKER :

The committee to whom was referred House bill No. 212—a bill entitled an act to repeal a portion of the forty-first section of an act entitled “ an act to repeal all general laws now in force for the incorporation of cities, providing for the incorpopartion of cities, prescribing their rights, powers, and duties, and the manner in which they shall exercise the same, and regulating other matters properly connected therewith, and repealing certain acts therein specified,” approved December 20, 1865—have had the same under consideration, and have directed to report the same back to the House, and recommend its passage.

Which was laid on the table.



Mr. Crowe, from the Committee on Engrossed Bills, made the following report :

MR. SPEAKER:

The Committee on Engrossed Bills would report that they have examined engrossed House bills Nos. 13, 26, 48, 63, 80, 91, 99, 101, 141, 144, 148, 158, 164, 175, 181, 185, and 189, and find them correctly engrossed.

Mr. Crain, from the Committee on Employees of the House, asked leave to change an entry in a former report concerning the date of the appointment of Mr. Sickles, Stationery Clerk, as follows :

“W. W. Sickles, Stationery Clerk, employed January 17th.”

Which was agreed to, and the Journal was corrected accordingly.

Mr. Shuey introduced

House bill No. 250—a bill concerning the Supreme Court.

Which was read a first time, and passed to a second reading.

Mr. Vawter offered the following resolution :

*Resolved*, That the Committee on Public Buildings be instructed to inquire whether the State has a lease on the building now occupied by the State officers which continues for one or more years, and on what terms the whole building can be rented.

Which was concurred in.

Mr. Litson offered the following resolution :

*Resolved*, That there be printed for the use of the Senate and House of Representatives, 300 copies of the report of the Commissioner to the Gettysburg National Cemetery.

Which was agreed to.

Mr. Woods introduced

House bill No. 221. A bill authorizing the Directors of the

Western and Southern State Prisons to lease the same, and prescribing the terms and conditions of said lease.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Foulke introduced

House bill No. 222. A bill to amend section seventy-seven of an act repealing all general laws now in force for the incorporation of cities, providing for the incorporation of cities, prescribing their powers, rights, and duties, and the manner in which they shall exercise the same, and regulating other matters properly connected therewith, and repealing certain acts therein specified, approved December 20, 1865.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Van Valkenburgh introduced

House bill No. 223. A bill regulating charges for transportation of freight by the various railroad corporations doing business in the State of Indiana.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. McMurray offered the following resolution :

*Resolved*, That the Auditor of State be, and is hereby requested to inform this House, at his earliest convenience, what number of days have been audited to each of the State Prison Directors of the Northern State Prison, as time necessarily employed in the performance of their duties, and what amount has been paid each, annually, as shown by the books of his office, provided by section ten, approved March 5, 1859, an act to provide for the erection of a new State Prison, etc.

Which was adopted.

Mr. Miller introduced

House bill No. 224. A bill to lease the Southern State Prison, and prescribing the terms and conditions in reference thereto.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Matthis introduced

House joint resolution No. 10. A joint resolution for the relief of David F. Stephenson:

WHEREAS, On the 10th day of December, 1864, the transport Echo was in the military service of the United States, and

WHEREAS, David F. Stephenson, a citizen of Indiana, employed on such transport as a watchman, and

WHEREAS, On said day, said vessel was fired into and captured by rebel artillery, when passing up the Cumberland river, laden with Government stores, in which engagement said Stephenson was struck by a shell, from which he lost both legs; therefore,

*Be it Resolved by the General Assembly of Indiana,* That our Senators in Congress be instructed, and our Representatives be requested to procure the passage of a law securing to said David F. Stephenson a pension at the same rate allowed to private soldiers in the service of the United States.

Which was read a first time, and passed to a second reading.

Mr. Higgins introduced

House bill No. 225. A bill to amend section 4 of an act containing several provisions regarding landlords, tenants, lessors and lessees, approved May 20, 1852.

Which was read a first time, and passed to a second reading.

Mr. McFadin introduced

House joint resolution No. 11. A joint resolution instructing our Senators, and requesting our Representatives in Congress to secure the passage of a law placing the surviving soldiers of the war of 1812, (who have not received any pension from the Government,) upon the Pension Rolls:

WHEREAS, There are a few of the gallant soldiers of the war of 1812 still living, some of whom have never received a pension from the Government, and

WHEREAS, A pension which they so richly deserve would greatly aid and assist them in their declining years, therefore;

*Be it resolved by the General Assembly of the State of Indiana,* That our Senators be instructed, and our Representatives in Con-

gress be requested to do all in their power to secure the passage of an act of Congress, placing all the surviving soldiers of the war of 1812, (who have not received any pension from the Government,) upon the Pension Rolls of the Government of the United States.

Which was read a first time, and passed to a second reading.

Mr. Kizer offered the following resolution:

*Resolved*, That the Committee of Ways and Means be requested to inform the House what has become of the memorial on the subject of "a monument to the memory of General Anthony Wayne," which was signed by citizens of Allen county, introduced in this House, and referred to that Committee.

Which was agreed to.

Mr. Belford moved to proceed to the orders of the day.

Which was agreed to.

Mr. Newcomb moved to take up Senate bills on third reading.

Which was agreed to.

#### SENATE BILLS ON THIRD READING.

Senate bill No. 98. A bill making specific appropriations for the support of benevolent institutions.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Belford, Bischof, Black, Blanch, Bobo, Campbell, Chambers, Corey, Crain, Crowe, Danaldson, Ervin, Evans, Ferris, Foulke, Funk, Gordon, Greene, Griggs, Hartman, Hamilton, Hays, Higgins, Hopkins, Hostetter, Hudson, Hughes, Hungate, Kiser, Long of Jackson, Lopp, Martin, Matthis, McClaskey, McFadin, McMurray, Miller, Moore, Morrison, Montgomery, Newcomb, North, O'Neil, Peelle, Prather, Ratliff, Ross, Rosser, Sabin, Scammahorn, Shields, Shook, Shoaff, Shull, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stafford,

Stewart, Tebbs, Thacher, Thomas, Vawter, Wason, Watson, Williams, White, Wolfer, Woods, and Wright—73.

Those who voted in the negative were,

Messrs. Baker and Van Valkenburgh—2.

So the bill passed.

The question being, shall the title, as read, stand as the title to said bill?

It was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

Senate bill No. 7. An act to repeal an act entitled "An act to enforce the 13th Article of the Constitution."

Was read a third time.

Mr. Baker moved to postpone the further consideration of said bill until one week from next Thursday at 2 o'clock P. M.

Mr. Chambers moved to make the hour 7 o'clock P. M.

Which was agreed to.

The motion, as amended, was agreed to.

Mr. Woods moved to take up House bill No. 12.

Mr. Chambers moved to amend by adding House bill No. 49.

Which was agreed to.

Mr. Hartman moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the motion by Mr. Woods, the same was agreed to.

House bill No. 12—a bill to constitute the 14th Judicial Circuit of Indiana, to fix the time of holding the courts in said circuit, and to repeal all laws in conflict therewith—was read a third time.

Mr. Ross moved to lay the bill on the table.

Which was not agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Belford, Bird, Black, Blanch, Bobo, Campbell, Chambers, Corey, Crain, Crowe, Danaldson, Ervin, Evans, Ferris, Funk, Foulke, Gordon, Green, Griggs, Hartman, Hamilton, Hays, Higgins, Hopkins, Hudson, Hughes, Hungate, Kiser, Litson, Martin, McClasky, McFadin, McLean, McMurry, Miller, Moore, Morrison, Montgomery, Newcomb, O'Neil, North, Prather, Ratliff, Rosser, Sabin, Scammahorn, Shook, Shoaff, Shull, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stafford, Stewart, Tebbs, Thacher, Thomas, Vawter, Watson, Watson, Williams, White, Wolfer, Woods and Wright—67.

Those who voted in the negative were,

Messrs. Hostetter, Long of Jackson, Lopp, Matthis and Shields—5.

So the bill passed.

The question being, shall the title, as read, stand as the title to said bill?

It was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

Mr. McFadin moved that the House do now adjourn.

Which was not agreed to.

House bill No. 49—a bill creating the 17th Judicial Circuit and fixing the time of holding courts therein—was read a third time.

The question being, shall the bill pass?

Mr. Chambers moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Belford, Bischof, Black, Blanch, Bobo, Campbell, Chambers, Corey, Crain, Danaldson, Douglass, Ervin, Evans, Ferris, Foulke, Funk, Green, Griggs, Hartman, Hamilton, Hays, Higgins, Hopkins, Hostetter, Hudson, Hughes, Hungate, Kizer, Martin, McClasky, McFadin, McLean, McMurray, Miller, Moore, Morrison, Newcomb, North, Prather, Ratliff, Ross, Rosser, Sabin, Scamahorn, Shook, Shoaff, Shull, Shuey, Skidmore, Smith of LAGRANGE, Smith of Wabash, Tebbs, Thomas, Wason, Williams, Wolfer, Woods and Wright—58.

Those who voted in the negative were,

Messrs. Baker, Bird, Crowe, Gordon, Long of Jackson, Matthis, VAN VALKENBURG and Vawter—8.

So the bill passed.

The question being, shall the title, as read, stand as the title to said bill?

It was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

The Speaker laid before the House, the following communication from the State Librarian.

*To the Officers and Members of the General Assembly:*

GENTLEMEN:—In regard to the subject of ventilation, I have endeavored, as far as my ability would admit of, to carry out the spirit and intent of your resolution. The weather, over which we have had no control, has prevented until the present moment the

completion of the work. After waiting some days, we have received "Griffith's Patent Ventilator," from Chicago, which is now being attached to the chimneys. Through the agency of these ventilators we hope to relieve the hall of the impurity of atmosphere which is now so detrimental to the health and comfort of members. While agreeing with your committee as to the true theory and method of ventilation, as the halls are at present constructed, it would seem impracticable to do more than has already been done. It has been suggested that the heating pipes might be enlarged, so as to admit a certain amount of pure air in connection with that generated from the furnaces. But this could not be done without changing the furnaces and remodeling the passage way to the halls. To do this would consume half the time allotted to the session, besides incurring an expense of some eight hundred or one thousand dollars. Hoping that when the ventilators alluded to are attached to the chimneys, you will experience a more favorable change in the atmosphere of the hall, I am, as ever,

Yours truly,

B. F. FOSTER,

*State Librarian.*

Which was referred to the Special Committee on Ventilation of the House.

Mr. Hughes offered the following resolution :

*Resolved*, That the Select Committee on the Judicial Districts be, and is hereby discharged from the further consideration of that subject, and that the same be, and is hereby referred to the Judiciary Committee of the House.

Mr. Crain moved to amend said resolution by including the Committee on the Organization of Courts of Justice.

Which was agreed to.

The question recurring on the resolution as amended, pending the consideration of which,

On motion by Mr. O'Neil, the House adjourned.



WEDNESDAY AFTERNOON, 2 O'CLOCK, }  
 FEBRUARY 6, 1867. }

The House met.

On motion by Mr. Newcomb, Mr. Higgins was called to the chair.

On motion by Mr. Montgomery, the reading of the Journal was dispensed with.

Mr. Hughes asked leave to withdraw the resolution offered by him on yesterday to disband the Special Committee on Judicial Apportionment.

Which was agreed to.

Mr. Greene offered the following resolution :

*Resolved*, That the privileges and freedom of the hall of the House of Representatives be extended to Major General M. D. Manson during his stay at the Capital.

Which was ruled by the Speaker to be out of order.

#### PETITIONS, MEMORIALS, CLAIMS, ETC.

By Mr. Prather,

The report of the Ohio Reform School from 1861 to 1867, together with letters from C. T. Coffin, B. C. Hobbs and others.

Which were referred to the Select Committee on the subject of a Home for Juvenile Offenders, without reading.

By Mr. McMurray,

A memorial from the State Board of Agriculture, asking for an appropriation to pay for the publication of agricultural statistics.

Which was read and referred to the Committee on Agriculture.

By Mr. Hamilton,

A petition from sundry citizens of Marion county, in relation to a prohibitory liquor law.

Which was referred to the Committee on Temperance.

By Mr. Foulke,

A petition from sundry citizens of Wayne county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. Shoaff,

A petition from sundry citizens of Allen county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. Blanch,

A petition from sundry citizens of Howard county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. Woods,

A petition from sundry citizens of Elkhart county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. McCarthy,

A petition by sundry citizens of Porter county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. Black,

A petition from sundry citizens of Madison county, in relation to a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Shields,

A petition from sundry citizens of Fulton county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr McClasky,

A petition from sundry citizens of Montgomery county, in relation to a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Chambers,

A petition from sundry citizens of Henry county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Newcomb,

A memorial in relation to divorcing, etc., by Mr. Nixon.

Which was read and referred to the Committee on the Judiciary.

By Mr. Newcomb,

A petition from D. S. Beaty, administrator, with the will annexed, of the estate of Francis Costigan, deceased, and W. H. Talbott, asking remuneration for losses sustained by said petitioners, in the use of their partnership property by the State of Indiana, at the Northern State Prison, located at Michigan City, in the year 1861; amount of claim, \$5,292.50.

Which was referred to the Committee on Claims.

By Mr. Griggs,

A petition from sundry citizens of Johnson and Morgan counties, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Ferris,

Two petitions from sundry citizens of St. Joseph county, asking for a prohibitory liquor law.

Which were referred to the Committee on Temperance, without reading.

By Mr. Newcomb,

The claim of Charles C. Campbell, for the amount of one hundred and ninety-seven dollars.

Which was referred to the Committee on Claims, without reading.

By Mr. Ervin,

A petition from sundry citizens of Delaware county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Foulke,

A certificate from Philip A. B. Kennedy, Assistant Clerk, in relation to John P. Lancaster.

Which was referred to the Committee on Employees.

#### REPORTS OF STANDING COMMITTEES.

Mr. Baker, from the Committee on the Judiciary, made the following minority report:

MR. SPEAKER:

A minority of the Judiciary Committee, to whom was referred House bill No. 156, entitled "an act to prevent certain persons from voting or holding any office in the State of Indiana," having

arrived at a conclusion different from the majority, beg leave to make the following report: We would recommend three amendments to said bill, which are herewith presented, and when so amended, recommend its passage.

N. O. ROSS,  
O. F. BAKER,  
S. L. McFADIN,  
EDWARD H. GREENE.

#### Amendments to House bill No. 156:

First.—Amend section 1 by striking out these words, “taken up arms,” and insert instead thereof, the followeng words, to-wit: “Been convicted of treason.”

Second.—After the words, “United States,” insert the following, to-wit: “Or shall be convicted of murder in the second degree, manslaughter, burglary, arson, rape, perjury, forgery, larceny, or any violation of the election laws of this State.”

Third.—After the word, “Indiana,” add these words, to-wit: “During the period for which such person shall be disfranchised by the court or jury trying him for such offense.”

Which was laid on the table.

Mr. Morrison, from the Committee on Swamp Lands, made the following report:

MR. SPEAKER:

The Committee on Swamp Lands, to whom was referred House bill No. 23—a bill to enable the owners of wet lands to drain and reclaim them where the same cannot be done without affecting the lands of others, and repealing all laws inconsistent therewith—respectfully report that they have had the same under consideration and recommend the following amendments thereto, and that when so amended the bill do pass:

After the word “others,” in the fourth line of the title, insert the words, “prescribing the duties of County Boards and County Auditors in the premises.”

In second line, fifteen, after the word “thereby,” insert “or some part thereof.”

In line seventeen, after the word "its," insert the words "general course."

Strike out all between the word "the," in line twenty-seven, and the word "and," in line twenty-nine, and in lieu thereof insert the words "county in which the application is made."

In section third, after the word "county," in line second, insert the words "in which said lands, or some part thereof, are situated."

In line fourth, after the word "time," insert the words "and place."

Strike out all after line nine, before the word "if," and insert the words "applicant in writing by reading or leaving copy at last place of residence."

In lines ten and eleven, strike out the words "and known to the applicant," and insert the words "where said lands, or any part thereof, are situated."

Strike out lines seventeen and eighteen, and insert the following: "Said notice, whether personal or made in person or by publication, shall state the time and place of making such assessment, and shall contain a succinct description of the proposed work, giving the beginning and general course thereof, also the names of the owners of the lands through which said work is proposed to be done, or will be affected thereby, so far as their names shall be known; and if said notice is given by publication, it shall also contain the names of the non-resident owners of the lands effected by said work, so far as known. Notice by publication shall be proved by affidavit of the printer or publisher. Personal notice shall be proved by affidavit of the applicant attached to a copy of the notice, stating the time, place and mode of service, whether by reading or by true copy left at the last and usual place of residence. The proofs so made shall be filed, with other papers in the case, in the office of the County Auditor."

In section ten, line nine, strike out the word "public," and insert the word "applicant."

In section fourteen, line ten, strike out the word "eight," and insert the word "twelve."

Which was laid on the table.

Mr. Wright, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the claim presented by U. S. Hibbard, in behalf of the parties named below, beg leave to report that they have considered the same, and recommend that these claims be allowed as follows:

The claim of Michael Shea, to the amount of four hundred and fifty-seven dollars and eighty cents, for grading and graveling St. Clair street and sidewalks, between Meridian and East streets; the two claims of C. E. Whitset, one to the amount of six hundred and fifty-nine dollars and forty cents, for paving the sidewalks in front of lots 5 and 36, on the west side of Pennsylvania street, between North street and the corporation line; the other claim to the amount of seven hundred and forty-three dollars and fifteen cents, for paving the west sidewalk on Tennessee street, between Market and Washington streets; the two claims of Coulter & White, one to the amount of ninety-two dollars and fifty-five cents, for furnishing and erecting lamp-posts, lamps and fixtures on Circle street, between East and West Market streets, north side; the other to the amount of one hundred and twenty-nine dollars and twenty cents, for furnishing and erecting lamp-posts, lamps and fixtures on Mississippi street, between Washington and Ohio streets; all in the city of Indianapolis.

And the committee recommend that the same be referred to the Committee on Ways and Means, and be incorporated in the specific appropriation bill.

The question being on concurring in the report of the committee,

Mr. Chambers moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

Mr. Hughes moved to lay the report on the table.

Messrs. Newcomb and Stafford demanded the ayes and noes

Those who voted in the affirmative were,

Messrs. Baker, Barritt, Bird, Black, Blanch, Bobo, Carter, Chambers, Crain, Danaldson, Douglass, Funk, Fuller, Hartman, Hays, Higgins, Hostetter, Hughes, Hungate, Inman, Kiser, Litson, Martin, Matthis, McCarthy, McLean, McMurry, Miller, Morrison, Montgomery, O'Neil, Ross, Rosser, Scammahorn, Shook, Shoaff, Shull, Smith of Wabash, Spencer, Stewart, Tebbs, Thacher, Van Valkenburgh, Vawter, White, and Wolfer—47.

Those who voted in the negative were,

Messrs. Bischof, Campbell, Corey, Crowe, Ervin, Evans, Ferris, Foulke, Gordon, Griggs, Hamilton, Hopkins, Hudson, Long of Jackson, Mason, Moore, Newcomb, Prather, Sabin, Shuey, Skidmore, Stafford, Thrasher, Thomas, Wason, Watson, and Wright—27.

So the motion to lay on the table prevailed.

#### SPECIAL ORDERS OF THE DAY.

The hour having arrived for the consideration of House bill No. 83—a bill to provide for the protection of wild game, and defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, repealing all laws inconsistent herewith, and declaring an emergency—which had been read a third time.

Was taken up.

Mr. Spencer, by unanimous consent, offered the following amendment to House bill 83:

*Provided*, That nothing herein contained shall be construed so as to authorize any person to enter upon the farm or premises of another without permission of the owner thereof, where stock are grazed or herded, for the purpose of shooting game.

Which was agreed to.

The question being, shall the bill pass?



Those who voted in the affirmative were,

Messrs. Baker, Belford, Bird, Bischof, Black, Blanch, Campbell, Carter, Chambers, Corey, Crain, Crowe, Danaldson, Ervin, Evans, Ferris, Foulke, Funk, Gordon, Greene, Griggs, Hartman, Hamilton, Hays, Higgins, Hopkins, Hostetter, Hughes, Litson, Long of Jackson, Martin, Matthis, McCarthy, McClasky, McFadin, McLean, McMurray, Miller, Moore, Morrison, Montgomery, Newcomb, North, Prather, Ross, Rosser, Sabin, Shields, Shook, Shuey, Skidmore, Smith of Wabash, Spencer, Stafford, Tebbs, Thacher, Thrasher, Thomas, Van Valkenburgh, Vawter, Wason, Watson, White, and Wolfer—65.

Those who voted in the negative were,

Messrs. Hudson, Hungate, Kiser, O'Neil, Shoaff, Shull, and Wright—7.

So the bill passed.

The question then being, shall the title, as read, stand as the title to said bill?

It was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

Mr. Ferris, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the claim of Cowgill, Smock & Cowgill, for services rendered in the improvement of Meridian street, between North and St. Clair streets, have considered the same, and recommend the said parties be allowed the amount of said claim—\$2,027.44—and that the same be referred to the Committee on Ways and Means, and be incorporated in the specific appropriation bill.

Which was laid on the table.

Mr. McFadin moved to suspend the rules of the House to take up the Governor's message in reference to the Soldiers' Home, at Knightstown.

Which was not agreed to.

Mr. Lopp, from the Committee on Claims, made the following report :

MR. SPEAKER :

The Committee on Clams, to whom was referred the claim of August Richter, for grading and bouldering Tennessee street, and curbing the outer edges of the sidewalks with stone between Washington and Market streets, in the city of Indianapolis, have instructed me to report that they have considered the same, and recommend that said Richter be allowed the sum of \$837.90, (this being the amount of the original claim, after deducting the interest,) and that the same be referred to the Committee of Ways and Means, and be incorporated in the specific appropriation bill.

Which was laid on the table.

Mr. Crowe, from the Committee on Claims, made the following report :

MR. SPEAKER :

The Committee on Claims, to whom was referred the claim of John Stumph, for bouldering and grading Circle street, in the city of Indianapolis, in front of the Governor's Circle, owned by the State of Indiana, beg leave to report that they have had the same under consideration, and recommend that said Stumph be allowed the sum of \$3,995.72, and that the same be referred to the Committee on Ways and Means, and be incorporated in the specific appropriation bill.

Which was laid on the table.

Mr. Hartman, from the Committee on Railroads, made the following report :

MR. SPEAKER :

The Committee on Railroads, to whom was referred House bill No. 142—a bill authorizing the board of directors of street railroad

companies to raise funds to discharge the indebtedness of such companies by issue of preferred stock, or *pro rata* assessments, &c.,—have had the same under consideration, and have requested me to report the same back to the House, with the accompanying amendments, and when so amended, recommend its passage:

Strike out the first section, from the enacting clause, and insert the following:

“For the purpose of raising funds to pay any existing debt or liability of any street railway company, due, or to become due, the board of directors of such company, with the approval of the stockholders owning a majority of the stock, may make a *pro rata* assessment against the stockholders, the aggregate of which shall not be greater than a sum equal to the amount of stock, and may make all needful rules and regulations in relation thereto, including provision for the forfeiture, sale, and cancellation of the stocks of any stockholders who shall fail to pay his *pro rata* assessment within thirty days after personal notice is given requiring such payment, or for the purpose of providing means for the payment of its debts, or for the construction of its road, materials or equipments, such company may issue a preferred stock, to an amount not exceeding one-half of its capital, with such priority over the remainig stock of such company in the payment of dividends as the directors of such company may determine, and shall be approved by the stockholders owning a majority of the stock.”

Amend the title to read as follows:

“An act authorizing the board of directors of street railway companies to raise funds to discharge the indebtedness of such companies by making a *pro rata* assessment against stockholders, to make needful rules in relation thereto, and to issue preferred stock in certain cases.”

Which was laid on the table.

Mr. Chambers, from the Committee on Corporations, made the following report:

MR. SPEAKER:

The Committee on Corporations, to whom was referred House bill No. 69—entitled “a bill to repeal an act entitled ‘an act to

allow County Commissioners to organize turnpike companies, when three-fifths of the persons representing the real estate within prescribed limits petition for the same, and to levy a tax for its construction, and providing for the same to be free'”—have had the same under consideration, and direct me to report the same back to the House, and recommend that it lie upon the table.

The report was concurred in, and the bill laid on the table.

Mr. Campbell, from the committee appointed by a resolution of the House to investigate certain charges published in the Cincinnati *Daily Gazette* of corruption and bribery, made the following report:

MR. SPEAKER:

The special committee, to whom was referred House resolution No. 9—on the subject of the publication of the dispatch in the Cincinnati *Gazette* of the 15th ult., charging bribery and corruption against some of the officers and employés of this House—have had the same under consideration, and direct me to report that they have examined the author of said dispatch, under oath, and they herewith submit his statement and affidavit, and ask to be discharged:

John H. Holliday, correspondent of the Cincinnati *Daily Gazette*, being sworn, says: “That in regard to the charge of bribery and corruption, published in said *Gazette* on January 15th, so far as the House of Representatives is concerned, I know nothing on the part of any member, officer or attaché of the House to justify said statement. Said charge should have mentioned and specified that the statement was published only in regard to the Senate.

(Signed)

“JOHN H. HOLLIDAY.”

Subscribed and sworn before me the 6th day of February, 1867.

(Signed)

LAZ. NOBLE,

Clerk Supreme Court of Indiana.

Which was concurred in.

Mr. Griggs, from the Joint Committee on the Organization of Courts, made the following report:

MR. SPEAKER:

The Joint Committee on the Organization of Courts, to whom was referred Senate bill No. 81, have had the same under consideration, and have instructed me to report the same back to the House, and recommend the adoption of the following amendment:

Amend by adding the following section:

The term of the courts herein provided for shall commence on the first Mondays in January, February, March, April, May, June, September, October, November, and December, of each year, and continue in session as long as the business thereof may require it.

Add, to the end of section 25 the following words: "Which said court shall have jurisdiction, and dispose of the same, as though the same had originated in said court. The Circuit Court Judges now elected shall be taken and held to be the Circuit Judges; under this act, in the respective circuits, as fixed by the laws of this General Assembly, for the circuit in which he may reside, for the balance of the unexpired term for which he was elected; and for all of those circuits, as fixed by the laws of this General Assembly, in which there is no resident Circuit Judge, there shall be elected, by the qualified voters of said circuit, a judge, at the regular October election in 1867, whose term of office shall commence on the first day of January, 1868."

The act above mentioned is an act for the organization of Circuit Courts, giving to the said courts original jurisdiction—civil and criminal—with the exception of probate matters and the business now performed by County Commissioners, for which a County Court is proposed, as shown in the report of your committee on that subject. It is proposed to have said bill printed by order of the Senate, the bills having been introduced there by Senator Oyler, and referred to the committee. The committee recommend the adoption of the amendments herein proposed, and when so amended, recommend its passage.

Which was laid on the table.

Mr. Griggs, from the Joint Committee on the Reorganization of Courts, made the following report:

MR. SPEAKER:

The Joint Committee on the Reorganization of Courts, to whom was referred Senate bill No. 80, have had the same under consideration, and have instructed me to report in favor of the same, and recommend the adoption of the following amendments:

Add an additional section, as follows:

Section 23. On and after the first day of January, 1868, all of the civil and criminal business then pending in the Common Pleas Courts of the respective counties of this State, except those matters of which the County Court has exclusive jurisdiction, shall be transferred to the Circuit Court of the respective counties, and said courts shall have jurisdiction and dispose of the same as though the same had originated in said court, and when so amended, recommend the passage of the bill.

The act above mentioned is an act for the organization of a County Court in each county, with original and exclusive jurisdiction in all probate matters, with concurrent jurisdiction in all matters connected with writs of habeas corpus, injunctions, restraining orders, and the business now performed by County Commissioners; and on and after the first day of January, 1868, it proposes that the business then pending in the Common Pleas Courts and before the County Commissioners, be transferred to this court; that the Common Pleas Courts and Boards of County Commissioners be abolished.

Which was laid on the table.

Mr. O'Neil, from the Committee on the Organization of Courts, made the following report:

MR. SPEAKER:

The Committee on the Organization of Courts, to whom was referred House bill No. 135—a bill to amend section eleven of an act to fix the times of holding the Courts of Common Pleas, etc., in the counties of Hancock, Madison, Henry, Rush, and Decatur—have had said bill under consideration, and direct me to report the same back and recommend that it lie on the table.

Mr. Campbell, from the Committee on the Organization of Courts, made the following report:

MR. SPEAKER:

The Committee on the Organization of Courts, to whom was referred House bill No. 151, have had the same under consideration, and direct me to report the same back, and recommend its passage.

Which was laid on the table.

#### INTRODUCTION OF BILLS, RESOLUTIONS, ETC.

Mr. Hamilton introduced

House bill No. 226. A bill to establish a Soldiers' and Sailors' Home, and for the benefit of their widows and orphans.

Which was read a first time, and referred to the Committee on Military Affairs.

Mr. Shoaff introduced

House bill No. 227. A bill to amend section four of an act entitled an "an act to regulate and license the sale of spirituous, vinous, malt, and other intoxicating liquors; to prohibit the adulteration of liquors; to repeal all former laws contravening the provisions of this act, and prescribing penalties for violation thereof," approved March 5, 1859, and to repeal section five of said act.

Which was read a first time, and on motion, referred to the Committee on Temperance.

Mr. Crain moved that the House proceed to the consideration of the orders of the day.

No quorum voting,

Mr. Douglass moved that the House do now adjourn.

Which was not agreed to.

The Speaker ordered a call of the House.

The Clerk proceeded with the call, when the following members answered to their names :

Messrs. Baker, Bischof, Black, Blanch, Bobo, Campbell, Carter, Chambers, Corey, Crain, Crowe, Danaldson, Douglass, Ervin, Evans, Ferris, Foulke, Funk, Fuller, Gordon, Green, Griggs, Hamilton, Higgins, Hopkins, Hostetter, Hudson, Hughes, Hungate, Kiser, Long of Jackson, Lopp, Martin, Matthis, McClasky, McFadin, McLean, McMurray, Miller, Moore, Morrison, Montgomery, Newcomb, O'Neil, North, Ross, Rosser, Sabin, Scammahorn, Shields, Shook, Shoaff, Skidmore, Smith of Wabash, Spencer, Stafford, Stewart, Tebbs, Thacher, Thrasher, Thomas, Van Valkenburg, Vawter, Wason, Watson, Williams, Wolfer, and Wright—70.

There being a quorum present, the further call was dispensed with.

The question being on the motion made by Mr. Crain,

There was no quorum present.

Mr. Crain moved that the House do now adjourn.

Which was not agreed to.

No quorum being present, the Speaker ordered a call of the House.

The Clerk proceeded with the call, when the following members answered to their names :

Messrs. Baker, Belford, Bird, Black, Blanch, Bobo, Campbell, Carter, Chambers, Corey, Crain, Crowe, Dandaldson, Douglass, Ervin, Evans, Ferris, Foulke, Funk, Fuller, Gordon, Green, Griggs, Hartman, Hamilton, Hays, Higgins, Hopkins, Hostetter, Hudson, Hughes, Hungate, Hizer, Long of Jackson, Lopp, Martin, Matthis, McCarthy, McClasky, McFadin, McLean, McMurray, Miller, Moore, Morrison, Montgomery, Newcomb, O'Neil, North, Prather, Ross, Rosser, Sabin, Scammahorn, Shields, Shook, Shoaff, Shull, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer,



Stafford, Stewart, Tebbs, Thacher, Thrasher, Thomas, Van Valkenburgh, Vawter, Wason, Williams, Wolfer, Woods, and Wright—77.

There being a quorum present, the further call was dispensed with.

The question being on the motion made by Mr. Crain,  
The same was not agreed to.

Mr. Douglass introduced

House bill No. 228. A bill to repeal an act entitled "an act to amend section thirty-five of an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1865, which was approved December 20, 1865.

Which was read a first time, and referred to the Committee on Education.

Mr. Spencer introduced

House bill No. 229. A bill granting the Trustees of the several townships of this State the power to levy and collect moneys, to be known as a bridge fund, in the way and manner that other taxes are levied and collected.

Which was read a first time, and passed to a second reading.

Mr. Stewart asked and obtained leave of absence for the Committee on Benevolent Institutions this afternoon.

Mr. Hartman introduced

House bill No. 230. A bill supplemental to "an act regulating descents and the apportionment of estates," approved May 14, 1852.

Which was read a first time, and, on motion, referred to the Committee on the Judiciary.

Mr. Woods introduced

House bill 231. A bill to amend the one hundred and twenty-second section of an act entitled "an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.

Which was read a first time, and, on motion, referred to the Committee on the Judiciary.

Mr. Foulke asked and obtained leave of absence for Mr. Ratliff till Monday next.

Mr. Shook obtained leave of absence till Tuesday next.

Mr. Long introduced

House bill No. 232. A bill to amend section 17 of an act entitled "an act prescribing the powers and duties of Justices of the Peace in State prosecutions," approved May 29, 1852.

Which was read a first time, and, on motion, referred to the Committee on the Judiciary.

Mr. Morrison introduced

House bill No. 233. A bill to fix the time of holding the Court of Common Pleas in the county of Clinton, and repealing all laws in conflict therewith.

Which was read a first time, and, on motion, referred to a special committee, composed of Messrs. Blanch, Stafford and Morrison.

Mr. Greene offered the following resolution:

*Resolved*, That the privilege and freedom of the Hall of the House of Representatives be extended to Major General M. D. Manson, during his stay at the Capital.

Which was agreed to.

Mr. Kiser introduced

House bill No. 234. A bill to amend the first section of "an act to regulate the toll of grist mills, and prescribing certain duties of millers," approved May 31, 1852.

Which was read a first time, and, on motion, referred to the Committee on Agriculture.

Mr. Stafford introduced

House joint resolution No. 12. A joint resolution instructing our Senators in Congress to use their votes and influence against the confirmation of persons nominated by the President of the United States, to offices made vacant by the removal of officers on account of political opinion.

Which was read a first time, and, on motion, referred to the Committee on Federal Relations.

Mr. Van Valkenburgh moved that the House do now adjourn.

Mr. Miller moved to amend by fixing the time of the next meeting at 9 o'clock to-morrow morning.

Which was not agreed to.

The question being on the motion made by Mr. Van Valkenburgh.

The same was agreed to.

THURSDAY AFTERNOON, 2 o'clock, }  
February 7, 1867. }

The House met.

On motion by Mr. Belford, the reading of the Journal was dispensed with.

Messrs. McFadin, Wason, Shoaff, and Ervin obtained leave of absence until Tuesday next.

Mr. Hamilton obtained leave of absence until Monday next.

Mr. Bobo obtained leave of absence for next week.

#### PETITIONS, MEMORIALS, CLAIMS, ETC.

By Mr. Vawter,

A petition from sundry citizens of Johnson county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Kiser,

A petition from sundry citizens of Allen and Wells counties, asking for the erection of a school house.

Which was read and referred to the Committee on Education.

By Mr. Wilson,

A petition from sundry citizens of Gibson county, asking a prohibitory liquor law.

Which was read and referred to the Committee on Temperance.

By Mr. Geisendorff,

A petition from sundry citizens of Noble county, in relation to a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Blanch,

A petition from sundry citizens of Howard county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Wolfer,

A petition from sundry citizens of Warren county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance.

By Mr. Hamilton,

A petition from sundry citizens of Crawford county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Hamilton,

A petition from sundry citizens of Marion county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance.

By Mr. Fuller,

The claim of Amer Reed of Warrick county, for \$150 expended in raising a military company by said Reed, in 1861.

Which was referred to the Committee on Claims, without reading.

By Mr. Newcomb,

A memorial from sundry citizens of Indianapolis, in relation to the Agricultural College.

Which was read and referred to the Joint Committee on Education and Agriculture.

By Mr. Wolfer,

A petition from sundry citizens of Warren county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Smith of Wabash,

A petition from sundry citizens of Wabash county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Dunn,

A petition from sundry citizens of Lawrence county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Long of Kosciusko,

A petition from sundry citizens of Kosciusko county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Ross, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 178—a bill to amend the thirty-third section of an act entitled “an act to revise, simplify and abridge the rules, practices, pleadings, etc.,” approved June 18, 1852—have had the same under consideration, and directed me to report said bill back to the House with two amendments, and when so amended, recommend its passage.

1. Amend section first by striking out of the sixth line of the fifth page of the bill the words “in that county.”

2. Amend section second, by striking off of the end of the section these words: “And shall apply to actions already brought.”

Which was laid on the table.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed Senate bill thereof, to-wit:

Senate bill No. 102, entitled a bill to provide for the custody and management of the notes, bonds and mortgages arising directly out of loans heretofore made by the Board of Sinking Fund Commissioners; to continue in force all laws or parts of laws in force on the 20th day of January, 1867, which are applicable to said loans and the securities therefor; to clothe said Auditor with power, and subject him to the duties in relation to said loans and securities therefor, which, by said laws, are vested in or imposed upon said Board of Sinking Fund Commissioners; to provide for the incidental expenses of the management of said loans and securities, including clerk hire, and for the mode and period of the payment of such allowance for expenses; substituting the seal of the Auditor of State for that of the Board of Sinking Fund Commissioners, and declaring an emergency for the immediate taking effect of this act, and providing for the Auditor of State to execute bond and payment of all moneys into the State Treasury, in which the concurrence of the House is respectfully requested.

Also, that the Senate has passed engrossed House bill, to-wit:

House bill No. 42, entitled a bill to prevent the breaking of a quorum in the General Assembly, and prescribing punishment therefor.

Also, I am directed by the President of the Senate to present to the Speaker of the House of Representatives for his signature thereto,

Enrolled Senate bill No. 98, entitled an act making specific appropriations for the support of the Benevolent Institutions.

Mr. Hughes moved to suspend the order of business and take up Senate bill No. 102.

Which was agreed to.

Senate bill No. 102—a bill to provide for the custody and

management of the notes, bonds and mortgages arising directly out of loans heretofore made by the Board of Sinking Fund Commissioners; to continue in force all laws, or parts of laws, in force on the 20th day of January, 1867, which are applicable to said loans and the securities therefor; to clothe the Auditor of State with the powers, and subject him to the duties in relation to said loans and securities therefor, which, by said laws, are vested in or imposed upon said Board of Sinking Fund Commissioners; to provide for the incidental expenses of the management of said loans and securities, including clerk hire, and for the mode and periods of the payment of such allowance for expenses; substituting the seal of the Auditor of State for that of the Board of Sinking Fund Commissioners, and declaring an emergency for the immediate taking effect of this act, and providing for the Auditor of State to execute bond and payment of all moneys into the State Treasury.

Was read a first time.

Mr. Peelle moved that said bill be referred to the Committee on the Sinking Fund.

Which was agreed to.

Mr. Stafford moved that 200 copies of said bill be printed for the use of the House.

Which was not agreed to.

Mr. Litson, from the Committee on Military affairs, made the following report:

MR. SPEAKER:

Your Committee on Military Affairs, to whom was referred Joint Resolution No. 9, of the House, have instructed me to report back the same with the following amendments, and when so amended recommend its passage.

Amend by striking out the word "act," wherever it occurs, and insert the words "joint resolution," in lieu thereof.

Strike out the words "on hand or," in the sixteenth line of first resolution.



Strike out the words "State Librarian," in the third resolution, and insert in lieu thereof, the words "Adjutant General of State."

Strike out all after the words "upon the reception thereof," in the third resolution, and insert the following in lieu thereof, "proceed to complete and collect said claims in the speediest and best manner possible, and when so collected, pay over the same to claimants without additional cost to them."

Which was laid on the table.

Mr. Long, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred House bill No. 14—a bill appointing Commissioners to adjust the claims of citizens of the State of Indiana for damages sustained by reason of the raid of the rebels under command of the rebel General, John Morgan, in July, 1863, and occasioned by other or future raids, prescribing some of their powers and duties, providing for the payment of the claims adjusted by said Commissioners and matters properly connected therewith—have had the same under consideration and would recommend that the copy of said bill, returned with the original, be substituted for the original, the same being changed only in phraseology.

Also, that the appropriation of "three hundred and seventy thousand dollars," be stricken out, and that "two hundred and fifty thousand dollars," be inserted in place thereof, and with this amendment, a majority of the committee recommend the substituted bill.

Which was laid on the table.

Mr. Scammahorn, from the Committee on Rights and Privileges of the Inhabitants of this State, made the following report:

MR. SPEAKER:

The Committee on Rights and Privileges, to whom was referred House bill No. 176—amendatory to section three of an act declaratory of the law regulating marriages—have had the same under consideration and have directed me to report the same back to the House with the following amendment:

Amend by striking out the words, "all persons except priests and ministers of the Gospel," and when so amended recommended its passage.

Which was laid on the table.

Mr. Bird, from the Committee on the Rights and Privileges of the Inhabitants of this State, made the following report:

MR. SPEAKER:

The Committee on Rights and Privileges of the Inhabitants of this State, to whom was referred House bill No. 215—entitled an act to exempt soldiers and widows, and children of soldiers who were in the service of the United States during the late rebellion, and who are or may be upon the pension rolls of the United States, from poll tax, and from tax on property, when the amount of taxable property of such soldier, widow or child, shall not exceed one thousand dollars of assessed value—have had the same under advisement, and while favoring the principle of the bill, yet having some doubts as to the constitutionality of the same, we would respectfully report the same back to the House with the recommendation that it be referred to the Committee on the Judiciary.

Which was concurred in.

Mr. Martin, from the Committee on Rights and Privileges of the Inhabitants of this State, made the following report:

MR. SPEAKER:

The Committee on Rights and Privileges of the Inhabitants of this State, to whom was referred House bill No. 201—for the protection of harmless birds—have had the same under consideration and direct me to report the same back and recommend its passage.

Which was laid on the table.

Mr. White, from the Committee on Rights and Privileges of the Inhabitants of this State, made the following report:

MR. SPEAKER:

The Committee on Rights and Privileges of the Inhabitants of this State, to whom was referred House bill No. 44—entitled an act supplemental to an act entitled an act to exempt property from

sale in certain cases, approved February 17, 1852—would respectfully ask that the bill be referred to the Committee on the Judiciary and that this Committee be relieved from further consideration of the bill.

Which was concurred in.

Mr. McClasky, from the Committee on Rights and Privileges, made the following report:

MR. SPEALER:

The Committee on Rights and Privileges, to whom was referred House bill No. 179—granting to any person or persons privilege to erect mill dams, and make raceways, on and through lands not their own—have had the same under advisement, and direct me to report the same back to the House, with the recommendation that it do pass.

Which was laid on the table.

The Speaker announced the following committee on House bill No. 223:

Messrs. Morrison, Blanch, Ratliff and Stafford.

Also, the following committee on House bill No. 129:

Messrs Greer, White, Wolfe, Foulke and Wolfer.

The Speaker announced the following committee on Mr. Fuller's resolution concerning the mileage of Sheriffs to the Northern and Southern State Prisons:

Messrs. Fuller, Lopp, Dunn, Moore, Martin, Campbell, Wolfe, Carter and Higgins.

Mr. Rosser moved that the Committee on Public Printing be allowed to employ a clerk.

Which was agreed to.

Mr. Thrasher, from the Committee on Roads, made the following report:

MR. SPEAKER:

The Committee on Roads, to whom was referred Senate bill No. 11, entitled an act to amend sections three and fourteen of an act entitled "an act to allow County Commissioners to organize turnpike companies, where three-fifths of the persons representing the real estate within prescribed limits, petition for the same, and to levy a tax for its construction, and provide for the same to be free," have had the same under consideration, and directed me to report the same back to the House, and recommend the following amendments:

Strike out all after the enacting clause, and insert the following:

An act to amend the third, fourth, fifth, eighth and fourteenth sections of an act entitled "an act to allow County Commissioners to organize turnpike companies where three-fifths of the persons representing the real estate within prescribed limits, petition for the same, and to levy a tax for its construction, and provide for the same to be free," approved March 6, 1865.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That section three of the above entitled act, which reads as follows, to-wit:

"Section 3. All real estate outside of the corporative limits of any town, or city, incorporated as such, three-fourths of a mile each side of the proposed road, shall be taxed to constitute the said road in proportion to the appraisement of the realty that may be on the Auditor's books. At the organization, each owner shall pay their proportion of the cost of the proposed turnpike, according to the amount of their assessment of real estate within the prescribed limits," be and the same is hereby amended to read as follows, to-wit:

Section 3. All real estate outside of the corporative limits of any town, or city, incorporated as such, three-fourths of a mile each side of the proposed road, shall be taxed to construct the said road, in proportion to the appraisement of the realty that may be on the Auditor's books. At the organization, each owner shall pay his proportion of the costs of the proposed turnpike, according to his assessment of real estate within the prescribed limits: *Pro-*

*vided*, That no person shall, under this act, be compelled to pay taxes on the same lands, for the construction of but one road at one time, or until said road is completed.

Section 2. That section four of said act, which reads as follows, to-wit:

“Section 4. The County Commissioners shall appoint a suitable person, after granting the petitioners power as a road company to organize, to estimate the grading, graveling, or planking, as the case may be, of the length of the proposed road, within the prescribed limits, as shown by the assessment from the books of County Auditor, to audit the amount of each owner's tax and place it in the hands of the County Treasurer to be collected as other taxes; all such taxes to be paid over by the County Treasurer upon the warrant of the County Auditor, who shall issue said warrant upon the demand of said treasurer of said turnpike company, to the treasurer of the road company. The person so appointed shall take an oath to perform his duty according to the best of his ability, and make out the cost of construction in two written statements, one for the company, the other for the County Auditor. From this estimate, the Auditor shall make out each person's tax,” be and the same is hereby amended so as to read as follows, to-wit:

Section 4. The County Commissioners, after granting the petitioners power to organize as a road company, shall appoint a suitable person whose duty it shall be to estimate the grading, graveling, or planking, as the case may be, and the entire cost of the construction of the proposed road, who shall, before entering upon his duties, take an oath for the faithful discharge of the same, and who shall be required to make out a statement of the entire cost of the construction of said road, and file the same with the Auditor of the proper county.

Section 3. That section five of said act, which reads as follows, to-wit:

“Section 5. The amount of tax so assessed shall be for each person, or owner, according to the value of their real estate within the prescribed limits, as shown by the assessment from the books of the County Auditor, to audit the amount of each owner's tax,

and place it in the hands of the County Treasurer to be collected, as other taxes; all such taxes to be paid over to by the County Treasurer, upon the warrant of the County Auditor, who shall issue said warrant upon the demand of the treasurer of said turnpike company, the treasurer of the road company to receipt for the same," be and the same is hereby amended to read as follows:

Section 5. From said estimate furnished the Auditor, he shall make out and assess each person's taxes according to the value of his or her real estate within the prescribed limits, as shown by the assessment from the books of the County Auditor, and said Auditor shall audit the amount of each owner's tax, in a book to be kept for that purpose, and place the same in the hands of the County Treasurer to be collected as other taxes. All such taxes shall be paid over by him, upon the warrant of the County Auditor, who shall issue said warrant upon the demand of the treasurer of said turnpike company, who shall receipt for the same.

Section 4. That section eight of said act, which reads as follows, to-wit:

"Section 8. No road made under this act shall be less than five miles in length, and shall be commenced within two years from the day of permission to organize, and shall be completed within six years," be and the same is hereby amended so as to read as follows, to-wit:

Section 8. No road made under this act shall be less than three miles in length, and shall be commenced within two years from the day of permission to organize, and shall be completed within seven years.

Section 5. That section fourteen of said act, which reads as follows:

"Section 14. The company shall have the right to appropriate any earth, timber, gravel or stone, belonging to any person, for the construction of the road, by proceeding and paying for the same in the manner prescribed by law," be and the same is hereby amended to read as follows:

Section 14. The company shall have the right to enter upon the lands adjacent to the road, and to construct ditches and drains

for the purpose of draining said road, doing no unnecessary damage, and shall have the right to appropriate any earth, timber, gravel or stone, belonging to any person, for the construction of the road, by giving the owner thereof five days notice of their intention so to do; and thereupon it shall be the duty of said company, to select a disinterested appraiser and the owner a second appraiser, who shall, under oath, appraise the same, and should they fail to agree, they shall select an umpire, and when such appraisement is made, said company, upon tendering the appraised value thereof to the owner, may at once enter upon the lands and proceed to remove said materials, and should the owner fail or refuse to select an appraiser, as above provided, the said company may select both, and if said owner is not satisfied with such appraisement, he may appeal therefrom to the Circuit or Common Pleas Court: *Provided, however,* That such appeal shall not prevent the Company from removing and making use of such materials.

Section 7. Whereas an emergency exists for the immediate taking effect of this act, it is therefore declared that the same shall take effect and be in force from and after its passage.

Which was laid on the table.

Mr. Higgins moved that Mr. Hartman be added to the Special Committee on Sheriff's Mileage.

Which was agreed to.

Mr. Williams, from the Committee on Roads, made the following report:

MR. SPEAKER:

The Committee on Roads, to whom was referred House bills Nos. 36, 52 and 68, have had the same under consideration and directed to report the same back to the House and recommend that they lie on the table, for the reason that the provisions contained in said bills are substantially embraced in the amendments offered to Senate bill No. 11.

Which was concurred in.

Mr. Morrison, from the Special Committee on House bill No. 233, made the following report:

MR. SPEAKER:

The Select Committee, to whom was referred House bill No. 233—an act entitled “an act to fix the time of holding the Court of Common Pleas in the county of Clinton, and repealing all laws in conflict therewith”—have had the same under consideration and recommend that it pass.

Which was laid on the table.

Mr. Crain, from the Committee on Employés, made the following report:

MR. SPEAKER:

The committee to whom as referred the confirmation of the employés of the House, make the further report that they have confirmed Hugo Duenweg, Journal Clerk, from the 28th day of January, 1867; also, E. A. Sanders as doorkeeper and fireman to the room of the Committee on Ways and Means, from the 17th day of January, 1867.

Which was concurred in.

#### INTRODUCTION OF BILLS, RESOLUTIONS, ETC.

Mr. Higgins introduced,

House bill No. 235. A bill to amend the eighth section of an act entitled “an act repealing all general laws now in force for the incorporation of cities, providing their powers, rights and duties, and the manner in which they shall exercise the same, and regulating other matters properly connected therewith, and repealing certain acts therein specified, approved December 1865.”

Which was read a first time and referred to the Committee on Corporations.

Mr. Shuey offered the following resolution:

*Resolved*, That from and after Monday next, this House will meet at 9 o'clock A. M., and 2 o'clock P. M., of each day, unless otherwise ordered by the House.

Which was agreed to.



Mr. Greene introduced

House bill No. 236. A bill to amend the twenty-first section of an act entitled "an act to authorize a company to contract the Aurora and Laughery Turnpike," approved February 15, 1848.

Which was read a first time, and referred to the Committee on Roads.

Mr. Belford introduced

House bill No. 237. A bill to require County Auditors and County Treasurers, in addition to their other duties, to report to the County Commissioners the amount of bounty orders issued to the soldiers of the late war, the number of each order, to whom issued, the amount paid on each order, when paid, and to whom paid, and providing penalties for refusing to make said reports.

Which was read a first time, and referred to the Committee on Military Affairs.

The Speaker announced that he had signed Senate bill No. 98.

Mr. Bischof introduced

House bill No. 238. A bill to revise and amend the sixth section of an act entitled "an act granting to the citizes of the town of Evansville, in the county of Vanderburgh, a city charter, approved January 27, 1847.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Newcomb introduced

House bill No. 239. A bill supplemental to an act entitled "an act in relation to the taxation of lands in towns and cities, approved June 18, 1852.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Thacher offered the following resolution :

*Resolved*, That the Committee on Education be instructed to inquire whether it would not be to the advantage of the public

schools of this State if the School Directors were allowed a reasonable amount for their services, and report by bill or otherwise.

Which was agreed to.

Mr. Hughes obtained leave of absence indefinitely.

Mr. Moore introduced

House bill 240. A bill to provide for the inspection of coal oil, petroleum oil, and mixtures of coal and petroleum oils, and prescribing penalties for the violation thereof.

Which was read a first time, and referred to the Committee on Manufactures and Commerce.

Mr. Spencer introduced

House bill No. 241. A bill authorizing the re-survey of the incorporated towns, defining the duties of the corporate authorities therein, the duties of other officers, and declaring an emergency.

Was read a first time, and referred to the Committee on Corporations.

Mr. Kiser offered the following resolution :

WHEREAS, the city of Indianapolis has become rather expensive to the State of Indiana by the presentation of claims against the street improvements and gas; AND WHEREAS, we believe it would be conducive to the best interests of the State to remove the Capital from said city; therefore,

*Resolved*, That there be a special joint committee (to consist of three members of the House, and three members of the Senate,) appointed, whose duty it shall be to take into consideration the propriety of moving said Capitol to the city of Fort Wayne.

*Resolved further*, That in case the Capital shall be moved from this city, the present State House shall be used as an institute for a State Normal School for colored people.

Mr. Greene moved to amend by striking out the words: "City of Fort Wayne," and insert "Pin Hook, in Shelby county."

Which was not agreed to.

Mr. Scammahorn moved to lay the resolution on the table.

Which was agreed to.

Mr. McCarthy, from the Committee on Enrolled Bills, would report that they have examined and compared "Enrolled Act of the House No. 42" with the original bill, and find the same properly and correctly enrolled.

Mr. Lopp introduced

House bill No. 242. A bill to amend sections 10 and 11 of an act entitled "an act to create a State Normal School, and declaring an emergency," approved December 20, 1865.

Which was read a first time, and referred to the Committee on Education.

Mr. Crain moved that the House proceed to the orders of the day, and that hereafter during the remainder of this week the House proceed to the orders of the day at 3 o'clock P. M.

Which was agreed to.

Message from the Senate, by Mr. Wilson, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following concurrent resolution, to-wit:

*Resolved by the Senate, the House concurring,* That the draft made by the Governor, for \$1,557.54 on the "soldiers relief fund," to pay the current expenses of the Soldier's Home, for the month of December, 1866, be, and the same is hereby approved, and that the further sum of \$2,000 be, and the same is hereby authorized to be drawn from the same fund to pay the expenses of the Home, for January, and until provision can be made for the Institution by the General Assembly.

Message from the Governor, by Mr. Commons, his private Secretary:

MR. SPEAKER:

I am directed by the Governor, to transmit herewith a message from His Excellency, in regard to the Soldier's Home at Knights-town.

H. J.—27.

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, February 5, 1867. }

*To the Senate and House of Representatives:*

I desire to call the attention of the General Assembly to the urgent wants of the Soldiers' Home at Knightstown. The current expenses for the months of December and January, amounting in the aggregate to about twenty-five hundred dollars, are unpaid and unprovided for, and in consequence of the fact the Superintendent is unable to purchase supplies for the current month, because of the non-payment of former bills. I have felt constrained to draw upon the "Soldiers' Relief Fund" to the amount of fifteen hundred and fifty-seven dollars and fifty-four cents, to pay on that account, and I respectfully ask that my action herein may be sustained by the General Assembly, and that I may be authorized to draw upon said fund for the further sum of two thousand dollars, in such amounts as the same may from time to time be needed to defray the current expenses of the Home for the present month, and until provision shall be made by the General Assembly for its support.

The Board of Managers have discharged the soliciting agents in consequence of the difficulty of procuring voluntary contributions, it being generally believed by those who were disposed to contribute to the support of the Home that the Legislature would provide for it.

After deducting the fifteen hundred and fifty-seven dollars and fifty-four cents for which I have drawn as aforesaid, there remains a balance in the State Treasury of twenty-five thousand five hundred and seventy dollars and twenty-three cents of the five per cent. of the taxes levied and collected for the year 1865, which was paid into the treasury under the fourth section of the act of December 20, 1865, to be applied under the direction of the Governor to the relief of sick, destitute, wounded or disabled Indiana soldiers.

CONRAD BAKER,  
*Lieutenant Governor of Indiana, acting as Governor.*

Mr. Thacher moved that the foregoing resolution and accompanying communication from the Governor be referred to the Committee on Military Affairs.

Which was agreed to.

Mr. Miller moved to take up House bills on second reading.

Which was agreed to.

Mr. Miller moved to take up House bill No. 25.

Which was agreed to.

House bill No. 25—a bill to provide for the registering of the legal voters in this State and matters properly connected therewith.

The amendments heretofore reported were read.

The question being on the adoption of the first amendment as reported.

It was not agreed to.

Mr. Woods moved that the vote just taken be reconsidered.

Which was agreed to.

Mr. Higgins moved that two hundred copies of the bill, with the amendments, be printed for the use of the House.

Which was agreed to.

The Speaker laid before the House the following communication from the Adjutant General:

ADJUTANT GENERAL'S OFFICE, }  
INDIANAPOLIS, February 7, 1867. {

*To the Speaker of the House of Representatives:*

SIR:—I send herewith a copy of a communication to the General Assembly which I have the honor respectfully to request that you will lay before the House this afternoon. Copies have been furnished the Doorkeeper sufficient to supply each member of the House.

Very respectfully.

W. H. H. TERRELL,  
*Adjutant General of Indiana.*

Which was laid on the table.

## HOUSE BILLS ON SECOND READING.

House bill No. 177 was read a second time, and ordered to be engrossed.

House Joint Resolution No. 8 was read a second time, and ordered to be engrossed.

House bill No. 77, with amendment heretofore recommended by the Judiciary Committee, was read a second time, the amendment was agreed to, and the bill, as amended, was ordered to be engrossed.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the President of the Senate to inform the House that he has signed Enrolled Senate act No. 98, and has transmitted the same to the Governor for his signature, and that he has also signed Enrolled House act No. 42.

House bill No. 97 was read a second time.

Mr. McLean moved to lay said bill on the table.

Which was not agreed to.

The bill was then ordered to be engrossed.

House bill No. 203. A bill to fix the time of holding the Courts of Common Pleas in the Fifth Judicial District, and repealing all other laws on the same subject.

Was read a second time.

Mr. Greene moved to suspend the order of business and take up House bill No. 203.

Which was agreed to.

Mr. Greene moved that it be deemed expedient to suspend the constitutional rule requiring bills to be read on three several days, and that said bill be read a third time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Baker, Belford, Bischof, Black, Blanch, Bobo, Corey, Crowe, Daggy, Danaldson, Dunn, Edmonson, Ervin, Evans, Ferris, Foulke, Funk, Fuller, Geisendorff, Gordon, Greene, Griggs, Hamilton, Higgins, Hopkins, Hostetter, Hudson, Hughes, Hungate, Inman, Kiser, Litson, Long of Jackson, Long of Kosciusko, Lopp, Martin, Mason, Matthis, McCarthy, McClasky, McFadin, McLean, McMurray, Miller, Moore, Morrison, Newcomb, O'Neil, North, Peelle, Ratliff, Ross, Rosser, Sabin, Scammahorn, Shanks, Shields, Shull, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stackhouse, Stafford, Stewart, Tebbs, Thacher, Thrasher, Thomas, Van Valkenburgh, Vawter, Wason, Watson, Williams, Wilson, White, Wolfe, Wolfer, Woods, Wright, and Mr. Speaker—82.

No one voting in the negative.

So it was deemed expedient to suspend said constitutional rule, and House bill No. 203 was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Belford, Bird, Bischof, Black, Blanch, Bobo, Corey, Crain, Crowe, Daggy, Danaldson, Douglass, Dunn, Edmonson, Evans, Ferris, Foulke, Funk, Fuller, Geisendorff, Gordon, Greene, Griggs, Hamilton, Higgins, Hopkins, Hostetter, Hudson, Hughes, Hungate, Inman, Kiser, Litson, Long of Jackson, Long of Kosciusko, Lopp, Martin, Mason, Matthis, McClasky, McFadin, McLean, McMurray, Miller, Moore, Morrison, Montgomery, Newcomb, O'Neil, North, Peelle, Ratliff, Ross, Rosser, Sabin, Scammahorn, Shanks, Shields, Shoaff, Shull, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stackhouse, Stafford, Stewart, Tebbs, Thacher, Thrasher, Thomas, Van Valkenburgh, Vawter, Wason, Watson, Williams, White, Wolfe, Wolfer, Woods, Wright, and Mr. Speaker—83.

No one voting in the negative,

So the bill passed.

The question being shall the title, as read, stand as the title to said bill?

It was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said bill:

House bill No. 208 was read a second time, and referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

House bill No. 211 was read a second time, and referred to the Committee on the Judiciary.

House bill No. 217 was read a second time, and referred to the Committee on the Judiciary.

House bill No. 207 was read a second time, and referred to the Committee on the Judiciary.

House bill No. 7. A bill to authorize the Judges of the Circuit Courts in this State to receive pleas of guilty from persons in prison, and fix the punishment of offender during the vacation of Court."

Was read a second time.

Mr. O'Neal moved to amend by adding the following proviso :

*And provided further*, That the punishment affixed by the judge shall be the maximum punishment prescribed by the law in relation to the offense.

Mr. Belford moved the previous question,

Which was seconded by the House.



The question being, shall the main question be now put?

It was so ordered.

The question being on the amendment offered by Mr. O'Neal.

It was agreed to.

Mr. Miller moved to lay the bill, as amended, on the table.

Which was agreed to.

Messages from the Governor, by Mr. Commons, his Private Secretary.

MR. SPEAKER:

I am directed by the Governor to inform the House that he has approved and signed enrolled act No. 42, entitled "an act to prevent the breaking of a quorum in the General Assembly, and prescribing punishment therefor," and that the same has been deposited in the office of the Secretary of State.

On motion by Mr. Danaldson, Mr. McMurray was added to the Committee on Agriculture.

Mr. Chambers obtained leave of absence until Monday next.

Mr. Higgins moved that the Committee on the Northern State Prison be allowed to employ a clerk.

Which was agreed to.

Mr. Chambers moved that the use of the Hall of the House of Representatives be given to the Mechanics' Association of this city, for the discussion of the Agricultural College question to-morrow evening.

Which Was agreed to.

Mr. Litson moved that two additional members be placed on the Committee on Military affairs.

Which was agreed to.

On motion by Mr. McFadin, the House adjourned.

FRIDAY AFTERNOON, 2 O'CLOCK, }  
FEBRUARY 8, 1867. }

The House met.

On motion by Mr. Greene, the reading of the Journal was dispensed with.

Messrs. Corey, Shull, Ratliff, and Lopp obtained leave of absence until Tuesday next.

The Speaker announced the following additional members on the Committee on Military Affairs, under the resolution of the House of yesterday, to-wit:

Messrs. Stewart and Chambers.

The Speaker gave notice that there would be a public exhibition at the Blind Assylum this evening at 7 o'clock.

PETITIONS, MEMORIALS, CLAIMS, ETC.

By Mr. Crowe,

A petition from sundry citizens of Scott county, asking for a prohibitory liquor law.

Which was read and referred to the Committee on Temperance.

By Mr. Crowe,

A petition from sundry citizens of Scott county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. Crowe,

A petition from sundry citizens of Scott county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Crowe,

A petition from sundry citizens of Scott county, asking for a law concerning the sale of intoxicating liquors.

Which was read and referred to the Committee on Temperance.

By Mr. Geene,

Various petitions from citizens on the line of the Morgan raid, asking that the inhabitants suffering loss in said raid, be indemnified, &c.

Which was referred to the Committee on Claims without reading.

By Mr. Vawter,

A petition from sundry citizens of Johnson county, asking for the protection of fish.

Which was read and referred to the Committee on the Rights and Privileges of the Inhabitants of this State.

By Mr. Stackhouse,

A petition from sundry citizens of Orange county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. Blanch,

A petition from sundry citizens of Howard county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed Senate bills thereof, to-wit:

Senate bill No. 13, entitled "an act to authorize and provide for changes of venue in civil actions in certain cases."

Senate bill No. 30, entitled "an act to provide for the protection of fish, defining the time in which they shall not be trapped, netted or seined, affixing the penalties for the violation of this act, and declaring an emergency."

Senate bill No. 36, entitled "a bill to amend an act to provide for the appointment of a Sheriff of the Supreme Court and prescribing certain of his duties and fees," approved May 13, 1852.

Senate bill No. 53, entitled "an act to amend the first section of an act entitled an act to amend the first section of an act to amend an act entitled an act to amend the sixth section of an act providing for the organization of county boards, and prescribing some of their powers and duties," which first above mentioned act was approved June 17, 1852, which latter act last above mentioned was approved March 9, 1861, and which act hereby amended was approved March 7, 1863.

Senate bill No. 61, entitled "an act to amend section thirty of an act entitled an act to amend an act entitled an act providing for the election or appointment of Supervisors of highways and prescribing certain of their duties and those of county and township officers in relation thereto," approved March 5, 1859, which last mentioned act was approved December 20, 1865.

Senate bill No. 63, entitled "an act for the repeal of Statutes not in conformity with the ruling of the Supreme Court in the case of Langdon against Applegate and others, and limiting actions arising out of the same or for a violation thereof."

Senate bill No. 74, entitled "an act amendatory of an act entitled an act to provide for the more uniform method of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved February 18, 1859.

Senate bill No. 95, entitled "an act to amend an act entitled an act providing for the election or appointment of Supervisors of highways and prescribing certain of their duties, and those of county and township officers in relation thereto," approved March 5, 1859, approved Dec. 20, 1865.

Senate bill No. 158, entitled "an act concerning the Supreme Court."

Senate bill No. 8, entitled "an act to provide for the care and custody of the person and estate of habitual drunkards," in which the concurrence of the House is respectfully requested.

Mr. Newcomb, from the Committee on Ways and Means, made the following report:

MR. SPEAKER:

The Committee on Ways and Means, in pursuance of the requirements of section five of the State Debt Sinking Fund act, approved December 21, 1865, in conjunction with the Finance Committee of the Senate, met at the office of the Auditor of State on the 5th day of February, 1867, and there compared the certificates of stock surrendered, partly paid and cancelled, under the provisions of said act, with the register of certificates of stock issued; and examined and burned, in the presence of said Committee and the Auditor and Treasurer of State, the following described two and one-half per cent. State Stocks, on which thirty per cent. of the principal had been paid, and new certificates issued for the residue, to-wit:

Date.	Number of Certificate.	TO WHOM ISSUED.	Amount.
Feb. 23, 1859.....	3206	Mechanics' and Traders' Saving Ins't.....	\$19,000 00
July 20, 1859.....	57 to 60	Mech. and Traders' Saving Ins't—4 cer., \$3,000 each..	12,000 00
do	57 to 61	do do do	4,000 00
Aug. 5, 1859.....	64 to 93	Mech. and Traders' Saving Ins't—30 cer., \$1,000 each	30,000 00
May 24, 1847.....	384	George Bagnall.....	180 00
do	385	James Bagnall.....	180 00
do	376	George and James Bagnall, Executors.....	1,842 50
do	294	Mrs. Margaretta Betts.....	502 50
June 10, 1847.....	709	Robert C. L. Beran.....	540 00
Feb. 16, 1863.....	428	Rev. Richard and William Caldwell, &c.....	670 00
May 21, 1847.....	333	Morgan C. Chase.....	837 50
Feb. 24, 1865.....	544	John Black Cowan, &c.....	3,685 00
March 20, 1855.....	2504	John Donaldson and R. N. Bennett, Trustees.....	5,925 00
May 20, 1847.....	284	William Dockar.....	670 00
May 10, 1864.....	511	Thomas Dent.....	1,507 50
May 19, 1855.....	2578	Jane Evans.....	2,680 00
June 20, 1847.....	468	Miss A. P. Ferguson.....	670 00
do	464	J. H. Ferguson, Trustee.....	2,177 50
June 10, 1847.....	83	John N. Foster.....	360 00
May 25, 1847.....	395	Edward Grubb.....	1,340 00
do	396	do	100 00
May 24, 1847.....	392	John Greenwood.....	360 00
June 10, 1847.....	84	Adderly Howard.....	1,172 50
do	710	do	87 50
July 17, 1865.....	557	John Hulus, Jr.....	775 00
Jan. 11, 1848.....	1067	John Hackblock.....	2,010 00
May 22, 1847.....	367	Matthew Harrison, Jr.....	360 00
May 31, 1847.....	705	F. C. Lukes, Thomas Larmie, and M. Laine.....	540 00
do	703	F. C. Lukes.....	1,507 50
May 20, 1847.....	301	Henry Larer.....	1,005 00
May 17, 1847.....	262	Thomas Lihon.....	1,005 00
July 1, 1847.....	918	M. Marshall.....	305 00
Jan. 13, 1848.....	870	do	50 00
April 10, 1848.....	1235	Maj. F. M. Martin.....	1,125 00
Nov. 10, 1852.....	2012	John Robert Mills.....	1,450 00
Jan. 22, 1866.....	594	G. N. and A. S. Nugent.....	355 00
May 19, 1847.....	280	Geo. W. Norman.....	1,340 00
Aug. 28, 1858.....	3145	Overend, Gurney & Co.....	4,500 00
May 22, 1847.....	345	Robert Pulsford.....	4,187 50
do	346	do	312 50
May 21, 1847.....	340	John H. Rarenshaw.....	3,565 00
May 22, 1847.....	354	George Robinson.....	540 00
July 1, 1847.....	972	George N. Shore.....	80 00

Date.	Number of Certificate.	TO WHOM ISSUED.	Amount.
July 1, 1847.....	971	George N. Shore.....	\$300 00
do	952 to 962	George N. Shore—11 certificates, \$380 each.....	4,180 00
March 20, 1855..	2608	Leigh Churchill Smith.....	540 00
July 17, 1865.....	559	Thomas Davis Sewell.....	360 00
May 20, 1847.....	347	James Silver.....	1,842 50
May 22, 1847.....	351	William Silver.....	1,340 00
May 20, 1847.....	292	D. H. Safe.....	837 50
June 9, 1847.....	492	Miss Mary Traddle.....	540 00
May 17, 1847.....	260	Honoratus L. Thomas.....	1,507 50
May 19, 1847.....	277	John C. Whiteman.....	9,112 50
June 8, 1847.....	944	do	670 00
Feb. 11, 1856.....	2665	do	5,500 00
June 2, 1847.....	459	Sir J. Morrylein Wilson.....	2,177 50
Jan. 11, 1848.....	1065	Thomas Yates.....	837 50
Jan. 6, 1848.....	837 to 855	N. M. Rothschild & Sons—19 certificates, \$1,000 each	19,000 00
do	862	N. M. Rothschild & Sons.....	1,340 00
Jan. 24, 1848.....	1092	do do	25 00
do	1106	do do	1,775 00
do	1107	do do	125 00
do	1108	do do	1,775 00
do	1110	do do	1,775 00
do	1112	do do	3,550 00
Oct. 30, 1854.....	2333 to 2334	N. M. Rothschild & Sons—2 certificates, \$5,000 each..	10,000 00
do	2335	N. M. Rothschild & Sons.....	6,875 00
do	2336 to 2337	N. M. Rothschild & Sons—2 certificates, \$5,000 each..	10,000 00
do	2338	N. M. Rothschild & Sons.....	6,875 00
Nov. 4, 1854.....	2342 to 2345	N. M. Rothschild & Sons—4 certificates, \$5,000 each...	20,000 00
May 10, 1855.....	2571	N. M. Rothschild & Sons.....	470 95
Jan. 23, 1862.....	278 to 288	M. A. De Rothschild & Sons—11 cer., \$5,000 each.....	55,000 00
do	290	M. A. De Rothschild & Sons.....	612 50
do	292	do do	37 50
do	293	do do	502 50
do	294	do do	355 00
do	295	do do	355 00
do	296	do do	25 00
do	297	do do	355 00
do	298 to 300	M. A. De Rothschild & Sons—3 certificates \$25 each...	75 00
do	301	M. A. De Rothschild & Sons.....	532 50
do	302	do do	37 50
do	303	do do	887 50
do	304	do do	62 50
do	305	do do	1,420 00
do	306 to 307	M. A. De Rothschild & Sons—2 certificates, \$125 each	250 00
do	308	M. A. De Rothschild & Sons.....	250 00
do	309	do do	3,550 50
do	310	do do	250 50
do	311	do do	9,550 50
do	312	do do	250 00
do	313	do do	3,550 00
do	314	do do	250 00
do	315 and 317	M. A. De Rothschild & Sons—2 cer., 177.50 each.....	355 00
do	318	M. A. De Rothschild & Sons.....	12 50
do	319	do do	177 50
do	320	do do	12 50
do	321	do do	177 50
do	322	do do	12 50
do	323	do do	177 50
do	324	do do	12 50
do	325	do do	177 50
do	326	do do	12 50
do	327	do do	177 50
do	328	do do	12 50
do	329	do do	177 50
do	330	do do	12 50
do	331	do do	177 50
do	332	do do	12 50
do	333	do do	177 50
do	334	do do	12 50
do	335	do do	177 50
do	336	do do	12 50
do	337	do do	177 50
do	338 to 342	M. A. De Rothschild & Sons—5 cer., \$12.50 each.....	62 50
do	343	M. A. De Rothschild & Sons.....	177 50
do	344 to 347	M. A. De Rothschild & Sons—4 cer., \$12.50 each.....	50 00
do	348	M. A. De Rothschild & Sons.....	440 00
do	349	do do	220 00
do	350	do do	75 00
do	351	do do	62 50
Nov. 24, 1862.....	416 to 419	M. A. De Rothschild & Sons—4 cer., \$10,000 each.....	40,000 00

Date.	Number of Certificate.	TO WHOM ISSUED.	Amount.
Nov. 24, 1862.....	420 to 423	M. A. De Rothschild & Son—4 cer., \$5,000 each.....	\$20,000 00
do	424	M. A. De Rothschild & Sons.....	1,000 00
do	425	do do	5,000 00
May 12, 1866.....	608	C. H. Lindsay, Robt. Jas. Loyd Lindsay, Sir A. N. de Rothschild and Baron M. A. de Rothschild.....	2,400 00
do	609	do do	100 00
do	610	do do	12 50
Nov. 12, 1859.....	136	J. C. Baldwin.....	1,000 00
July 24, 1862.....	401 to 404	J. C. Baldwin—4 certificates, \$1,000 each.....	4,000 00
June 10, 1863.....	463	J. C. Baldwin.....	6,000 00
Nov. 12, 1859.....	135	do	1,000 00
Nov. 12, 1860.....	197	do	2,000 00
June 18, 1860.....	189	do	2,000 00
May 4, 1863.....	438	do	2,000 00
Jan. 24, 1857.....	2786	Merchants' Clerks Savings Ins't.....	27,000 00
April 8, 1857.....	2837	do do	8,060 00
Oct. 4, 1858.....	3154	do do	5,000 00
Oct. 6, 1858.....	3158	do do	10,000 00
Sept. 18, 1860.....	249 to 252	Joseph Brandon—4 certificates, \$10,000 each.....	40,000 00
Aug. 23, 1862.....	410 and 411	Joseph Brandon—2 certificates, \$1,000 each.....	2,000 00
Feb. 1, 1860.....	154	Jos. Henriques, Trustee of estate of Sarah Corra.....	1,050 00
June 15, 1863.....	477	Jos. Henriques, Surviving Trustee.....	2,000 00
Aug. 9, 1859.....	94	Etna Insurance Company.....	49,810 00
March 6, 1860.....	166	do do	10,190 00
May 28, 1861.....	233	do do	15,490 00
Sept. 10, 1861.....	244	do do	510 00
April 29, 1863.....	433 to 435	Moran & Bros—3 certificates, \$1,080 each.....	3,240 00
June 8, 1866.....	613	L. Von Hoffman & Co.....	8,375 00
Jan. 18, 1862.....	265	William Schull & Co.....	502 50
Aug. 22, 1849.....	1493	William B. Astor.....	17,143 63
March 3, 1864.....	504	M. J. Henriques.....	3,751 45
March 18, 1864.....	510	do	1,395 00
Nov. 9, 1857.....	3061	Christian Gubriski.....	360 00
Feb. 4, 1859.....	3183	T. C. Chardawque.....	6,000 00
Jan. 14, 1850.....	1557	John Lindsay.....	10,007 50
May 1, 1850.....	1662	Raphael de Ferrare due de Gallieseo.....	4,080 00
Jan. 9, 1857.....	2765	John H. Egberts.....	1,000 00
May 20, 1858.....	3131	Samuel Buell.....	1,000 00
June 15, 1847.....	534	C. C. Tunis.....	360 00
do	521	do	540 00
May 26, 1865.....	556	D. C. Hays, in trust.....	1,000 00
May 30, 1850.....	1676	M. W. Collett, in trust.....	775 00
do	1672	M. W. Collett.....	775 00
do	1673	do	1,256 25
Nov. 3, 1856.....	2751	Hardman Earl, England.....	3,875 00
May 13, 1850.....	1600	Brown Bros. & Co.....	192 50
June 6, 1847.....	150	Ira C. Voorhees.....	180 00
Dec 14, 1849.....	1530	Nehemiah Tunis.....	230 00
Nov. 2, 1859.....	112 to 118	William Birdsall, Jr.—6 certificates, \$1,000 each.....	6,000 00
Jan. 17, 1861.....	202 to 205	William Birdsall, Jr.—4 certificates, \$1,000 each.....	4,000 00
March 30, 1857.....	2810	Treasurer of State of Indiana, in trust for Ind. Bank	46,077 50
March 14, 1864.....	508	E. G. Whitney.....	20,000 00
May 2, 1865.....	554	do	5,000 00
May 4, 1863.....	436	do	6,000 00
June 15, 1858.....	3137	Treasurer of State, in trust for Ind. Bank.....	2,000 00
June 17, 1861.....	235	Amy and Heye, in trust for A. F. Seebohm.....	1,080 00
July 23, 1859.....	63	Henry Church.....	6,880 00
Oct. 29, 1859.....	107	do	2,000 00
Nov. 2, 1859.....	110	do	1,120 00
Jan. 28, 1864.....	491	J. H. Williams, President.....	6,000 00
Feb. 11, 1864.....	499	do do	2,000 00
June 17, 1864.....	519 to 522	J. H. Williams, President—4 certificates, \$5,000 each	20,000 00
do	523	J. H. Williams, President.....	1,747 50
Aug. 23, 1864.....	529	do do	1,000 00
Sept. 4, 1865.....	567 to 571	J. H. Williams, President—5 certificates, \$5,000 each	25,000 00
do	572	J. H. Williams, President.....	1,000 00
Feb. 23, 1866.....	603	do do	5,000 00
April 27, 1866.....	605 to 606	J. H. Williams, President—2 certificates, \$15,000 each	30,000 00
May 4, 1865.....	176	Edward Unkart.....	1,520 00
March 30, 1857.....	2833	Treasurer of State, in trust for Bank of Goshen.....	52,502 50
July 9, 1862.....	400	Auditor of State, in trust for same.....	5,000 00
Aug. 23, 1862.....	409	Joshua Hendricks for C. B. Hendricks.....	100 00
Nov. 1, 1847.....	782	William Moore.....	190 00
May 7, 1855.....	2568	William Duckworth.....	1,675 00
Feb. 23, 1864.....	503	Keokuk Branch State Bank of Iowa.....	9,240 00
Nov. 16, 1860.....	199	Treasurer of State of Indiana, in trust for Bank of Corydon.....	10,000 00
March 30, 1857.....	2811	Treasurer of State of Indiana for Cambridge City Bank.....	30,000 00

Date.	Number of Certificates.	TO WHOM ISSUED.	Amount.
May 11, 1857.....	2957 to 2960	Treasurer of State of Indiana for Cambridge City Bank—4 cer., \$5,000 each.....	\$20,000 00
May 11, 1867.....	2961	Treas. of State of Indiana for Cambridge City Bank...	1,334 00
May 9, 1859.....	3222	do do	35,000 00
June 28, 1847....	615	Seabury Brewster.....	900 00
May 1, 1848.....	1243	do	750 00
do	1244	do	50 00
April 20, 1855....	2561	E. S. Tweedy.....	2,000 00
August 21, 1855..	2632	Treas. of State of Indiana for Prairie City Bank.....	10,000 00
March 8, 1858....	3124	E. Delafield.....	2,862 50
March 31, 1858..	3128	H. Leger.....	23,000 00
Nov. 26, 1864....	532	Pierpont Phillips.....	10,000 00
Feb. 4, 1859.....	3186	Roosevelt & Son.....	9,690 00
Nov. 2, 1859.....	108	William Winslow.....	980 00
March 29, 1859..	3221	do	360 00
March 29, 1854..	2284	Wm. McKeitt, Charles Goodwin and Alfred Dunn.....	900 00
June 28, 1847....	617	Silas Wood.....	7,200 00
June 9, 1860.....	182	Treas. State for Ex. Bank of Attica.....	5,000 00
do	183 and 184	Treas. State for Ex. Bank of Attica—2 cer., \$5,000 each.....	10,000 00
May 1, 1865.....	553	Treas. State for Ex. Bank of Attica.....	3,810 00
Feb. 5, 1864.....	496	Samuel George Smith.....	1,436 00
May 27, 1847....	427	Margaretta Jones.....	1,340 00
do	428	do	100 00
July 26, 1847....	992	Rebecca Manwaring, Priscilla Manwaring and Se- lima, etc.....	180 00
May 25, 1847....	397	H. W. Kelle.....	1,172 50
do	398	do	87 50
April 8, 1852.....	1859	Henry S. Tarbell.....	24,000 00
Jan. 10, 1857....	2768	Elisha Rockwood.....	1,000 00
Jan. 23, 1857....	2784	B. R. Winthrop, Trustee.....	1,000 00
June 11, 1866....	614	Clark, Dodge & Co.....	562 50
May 4, 1863.....	437	Rollins Brothers.....	80 00
Nov. 18, 1865....	575	do	532 50
Jan. 12, 1858....	3100	Wm. C. Schermehorn.....	251 25
March 16, 1861..	213	Josiah Barnes.....	5,000 00
Sept. 20, 1861..	254	do	3,000 00
March 4, 1853....	2053	do	2,062 50
Nov. 17, 1849....	1514	Edmund Tweedy.....	1,080 00
Dec. 6, 1849....	1525	do	2,920 00
April 13, 1855..	2527	do	2,000 00
April 16, 1855..	2532	do	3,000 00
Dec. 29, 1849....	1540	do	837 50
Feb. 12, 1850....	1581	do	2,540 00
Sept. 24, 1863....	482	Wyman, Byrd & Co.....	562 50
do	483	do	562 50
April 2, 1855....	2515	S. P. Bolles.....	4,000 00
May 7, 1855.....	2567	William Bolles.....	5,000 00
June 19, 1847....	553	Hosea Webster.....	837 50
do	554	do	62 50
Aug. 22, 1864....	550	Moran, Crane & Co.....	60 00
Feb. 11, 1864....	2198	William V. Brady.....	2,000 00
Sept. 21, 1847....	744	The Administration office of Hope & Co., Ketwrick & Vooneburg, and widow Wm. Bosskie, in Amster- dam.....	4,680 00
Sept. 17, 1847....	736	Hope & Co., Amsterdam.....	4,690 00
do	737	do do	335 00
do	739	do do	180 00
June 28, 1855....	2599	do do	35,350 00
July 28, 1855....	2600	do do	35,350 00
June 28, 1855....	2601	do do	27,300 00
July, 1, 1847....	905	do do	335 00
do	906	do do	1,675 00
do	907	do do	502 50
do	908	do do	180 00
do	909	do do	3,240 00
do	911	do do	4,187 50
do	912	do do	167 50
June 26, 1847....	62	Sarah Dillwryn, of Bath.....	900 00
May 23, 1863....	440	Hope & Co.....	16,000 00
June 26, 1847....	579	C. & E. W. Thwing.....	180 00
do	20	Baring Brothers & Co., London.....	1,080 00
March 29, 1861..	1787	do do	260 00
March 28, 1853..	2071	H. W. Prikersgill, of Stratford Plan, London, Eng- land, R. A.....	1,437 50
May 29, 1852....	1928	Gulldman Huntado, R. A., Ameyaza, of Bordeaux, Gentleman.....	1,680 00
July 9, 1847.....	681	Insinger & Co.....	1,900 00



Date.	Number of Certificates.	TO WHOM ISSUED.	Amount.
May 31, 1847.....	409	Sir William Collings.....	\$837 50
Nov. 27, 1858.....	3172	Thomas Twining, Jr., Esq.....	10,980 00
Feb. 6, 1866.....	599	T. L. B. Dykes, J. G. Marshall, and H. C. Marshall...	2,137 00
Nov. 19, 1852.....	2021	William Marshall, etc.....	2,030 00
March 9, 1848.....	1215	F. Lawson, Ballentine, Dykes, etc., J. G. Marshall, H. C. Marshall, etc.....	5,625 00
Jan. 16, 1854.....	2244	do do.....	450 00
June 16, 1847.....	34	James G. King's Sons.....	167 50
May 17, 1847.....	50	do do.....	1,260 00
July 29, 1847.....	699	Jean Charles Labochere.....	760 00
May 17, 1847.....	51	John Auldjo, of London.....	2,880 00
June 26, 1847.....	60	Alfred Janson, of Lloyd, Gent.....	900 00
Jan. 14, 1858.....	3105	H. Hendricks.....	1,732 50
Jan. 18, 1858.....	3009	do.....	900 00
Feb. 2, 1857.....	2795	Alanson L. Baldwin.....	1,793 00
Feb. 10, 1857.....	2797	do.....	14,000 00
Jan. 9, 1864.....	490	Wm. B. Nofsinger.....	7,000 00
Feb. 5, 1864.....	497	Wabash College, Crawfordsville, Ind.....	6,000 00
July 11, 1864.....	526	do do.....	1,000 00
July 9, 1858.....	3097	Treasurer of State of Indiana, in trust for the Bank of Salem, New Albany.....	15,000 00
June 16, 1866.....	616	Wm. H. English, President.....	10,000 00
do	617 to 618	do do 2 cert., \$10,000 each.....	20,000 00
May 4, 1850.....	1633	Selina Hendricks.....	1,680 00
March 21, 1850.....	1605	John Crouse.....	1,675 00
April 4, 1850.....	1624	do.....	2,400 00
Jan. 18, 1866.....	593	Winslow, Lanier & Co.....	170 00
Feb. 23, 1866.....	602	do do.....	213 00
April 17, 1866.....	604	do do.....	1,950 00
Jan. 15, 1851.....	1752	John Robins.....	8,060 00
March 12, 1862.....	377	J. W. Russell.....	2,500 00
March 30, 1857.....	2812	Treasurer of State of Indiana, in trust for the Ex- change Bank of Greencastle—20 cert., \$1,000 each	20,000 00
May 12, 1857.....	2971 to 2973	do do do 3 " 5,000 each	15,000 00
do	2974	do do do	5,758 00
March 21, 1859.....	3216 to 3219	do do do 4 cert., \$12,000 each	48,000 00
May 6, 1847.....	170	Nathan P. Wells.....	837 50
do	171	do.....	62 50
Jan. 9, 1865.....	538	Edward Brandon, Trustee for Florence Brandon.....	100 00
Sept. 14, 1865.....	574	Edward Brandon.....	500 00
Jan. 9, 1847.....	493	John Guy Vasser.....	360 00
Jan. 27, 1862.....	352	do.....	5,000 00
do	353	do.....	4,000 00
do	354	do.....	804 80
March 6, 1862.....	374	do.....	180 00
Oct. 18, 1859.....	104	do.....	1,587 50
Nov. 2, 1859.....	111	do.....	3,530 00
June 2, 1847.....	466	John Dillon.....	2,177 50
June 12, 1854.....	2303	do.....	62 50
Dec. 1, 1859.....	144	Alfred Morrison, of England.....	5,766 25
Jan. 18, 1850.....	1563	Charles Morrison.....	4,080 00
June 30 1847.....	660	do.....	1,507 50
do	661	do.....	112 50
Dec. 1, 1859.....	143	do.....	5,766 25
June 15, 1847.....	519	Floyd T. Ferris.....	1,675 00
do	520	do.....	125 00
Jan. 9, 1865.....	539	Joseph Brandon.....	1,057 50
Nov. 12, 1859.....	134	John Guy Vasser.....	2,600 00
Dec. 17, 1859.....	148	do.....	1,000 00
Nov. 12, 1859.....	140	Joshua Hendricks, in trust for E. and H. Hendricks...	200 00
Dec. 17, 1859.....	146	do do E. Hendricks.....	410 00
do	147	do.....	390 00
			\$1,539,649 33

Mr. Dunn, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred a resolution, instructing said committee to inquire into the necessity of

revising the statutes of the State of Indiana, and that they report by bill or otherwise, have considered the subject, and have instructed me to report that, in the opinion of the Committee, there is to some extent a necessity for a revision of the statutes of the State, but that it is inexpedient to legislate upon the subject at this time, and your Committee ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Dunn, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 143, in relation to the competency of witnesses, and to repeal section 238 of article 13 of the act entitled "an act to revise, simplify and abridge the rules, practice, pleadings, and forms, in civil cases, in the courts of this State," etc., have considered the same, and instruct me to report the bill back to the House without amendment, and recommend the passage thereof.

Which was laid on the table.

Mr. Peelle, from the Committee on the Organization of Courts of Justice, made the following report:

MR. SPEAKER:

The Committee, to whom was referred Senate bill No. 34, entitled an act to amend section three of an act entitled "an act to establish Courts of Common Pleas," etc., have had the same under consideration, and directed me to report the same back to the House, and recommend that it do not pass.

Which was concurred in.

Mr. Peelle, from the Committee on the Organization of Courts, made the following report:

MR. SPEAKER:

The Committee to whom was referred House bill No. 196, entitled an act to amend section five of an act entitled "an act pro-

viding for an organization of Circuit Courts, the election of Judges thereof, and defining their powers and duties, approved June 1, 1852, and providing for Criminal and Civil Courts," approved December 20, 1865, have had the same under consideration, and directed me to report the same back to the House, and recommend its passage, with the following amendment:

Strike out the word "eight," where it occurs in the twenty-fifth line of amended fifth section, and insert the word "seven."

Which was laid on the table.

Mr. Long, of Jackson, obtained leave of absence for two weeks.

Mr. Stackhouse, from the Committee on Education, made the following report:

MR. SPEAKER:

The Committee on Education, to whom was referred the memorial from sundry citizens of Clay county, requesting that provisions be made by law for the raising, by taxation, an amount sufficient, in addition to that already raised, for the support of their common schools during nine months of each year, and that there may be appointed for each township a school visitor whose only duty it shall be to visit each school in the township, at least once a day, at a sufficient salary, to be paid out of the money raised by this increased taxation, have had the same under consideration, and respectfully beg leave that further legislation on said subject is unnecessary, and recommend that the subject matter of said memorial be indefinitely postponed.

Which was concurred in.

Mr. Bischof, from the Committee on Education, made the following report:

MR. SPEAKER:

Your Committee on Education, to whom was referred House bill No. 170—a bill providing for the support of common schools—have had the same under consideration, and respectfully beg leave

to report the same back, and recommend that the same be indefinitely postponed.

Which was laid on the table.

Mr. Smith of Lagrange, from the Committee on Education, made the following majority report:

MR. SPEAKER:

The majority of the Committee on Education, who were instructed by a resolution of the House to "inquire into the title to the property situate in the city of Indianapolis, and commonly known as University Square, and into the best mode of making use or disposing of the same for the public good, and to report by bill or otherwise," respectfully present the following report:

By the act of Congress under which Indiana was admitted into the Union, approved April 19th, 1816, the United States granted to this State four sections of land on which the town of Indianapolis was located.

The General Assembly, by an act of January 11, 1821, appointed Commissioners to lay off and plat the town, and they were directed to lay it out on such a plan as they might conceive "would be advantageous to the State and to the prosperity of said town, having specially in view the health, utility and beauty of the place." They were also directed to make out two copies of the plan "on parchment or good and durable paper," and to indicate thereon the "contents of each square that might be designated on the plan thereof as public ground." It was also required that one of said copies should be delivered to the agent appointed by the act for the sale of the town lots, at least thirty days previous to the sale.

No one can doubt that by this enactment the commissioners were authorized, in their discretion, to designate portions of the land so platted "public grounds;" and, if it were doubted, the subsequent recognition of what they did, by various acts of the General Assembly, certainly rendered their doings valid and legal.

In pursuance of the authority thus given to the Commissioners, they, in the same year in which they were appointed, laid out and made a plat of said town. This plat is on record in the Recorder's office of Marion county. On this plat the commissioners designated several squares as "public grounds." Thus, they desig-

nated one square as "State House Square," another as "Court House Square," two others, each as "Market Square," and the square in question as "University Square." And through these squares no alleys were ever laid out.

What was the legal effect of this designation "University Square," written by the Commissioners on square 25, as laid down on said plat? In the opinion of the majority of the Committee it operated as a dedication of the square for the *site* of a University.

A dedication is defined by law writers to be the deliberate appropriation of land by its owner for any public uses, reserving to himself no other rights than such as are perfectly compatible with the full exercise and enjoyment of the public uses to which he devoted the property. The dedication may be made by any deliberate act, written or oral. That the proprietor of a town who marks on his plat of its streets, lots and squares for public use, thereby dedicates them to the public, is indisputable. It is as effectual a dedication as the most formal grant. The Supreme Court of the United States has so decided at least three times—first, in regard to such a dedication of a lot in the city of Georgetown, 2 Peters R. 256; afterwards in the case of a similar dedication in Cincinnati, 6 Peters R. 431; and subsequently in another case, 10 Peters R. 663. Such modes of dedication have also been expressly recognized in this State, in 7 Ind. R. 641, and in 8 Ind. R. 378. Indeed, in 12 Ind. R. 620, the Supreme Court expressly held the designation, by the Commissioners in 1821, of one of the squares on the plat of Indianapolis as a "Market Square," to have been a dedication of it for that purpose; and the Legislature, desiring to exchange it for another square in the city, took the precaution first to obtain the consent of the corporate authorities.

There is strong reason to believe, too, if any doubt remains, as we think there does not, of the effect, as a dedication, of the act of the Commissioners, in thus designating the square in question on the original plat as "University Square," that the act of January 21, 1818, which was in force when the plat was made, would be decisive of the question. Code of 1818, p. 378. The first section of that act required that the proprietors of towns should make and record plats of them. The second section provided that—

"Every donation or grant to the public, or any individual or individuals, religious society," &c., *mark or noted as such on the plat of the town* wherein such grant or donation may have been made,

shall be considered to all intents and purposes as a general warranty to said donee or donees." On this act our Supreme Court has decided that the designation of a street, in the ordinary way, on a town plat, is within the words of the act, and that a subsequent act of the Legislature vacating such street, is inoperative and void. 7 Ind. R. 38.

The State was the proprietor of the town of Indianapolis. The act, in terms, applied "to any person or persons" who might thereafter lay off any town within this State. That the State, in legal contemplation, is a "person," is familiar to every lawyer, and that the State might, if the Legislature so pleased, bind itself in its donation by a "general warranty," is indisputable.

By the principles of the common law, as decided by the Courts, it seems clear to a majority of the Committee that the designation of the square in question as "University Square," operated as a dedication of it for the *site* of a University; and it seems probable, too, if this were not so, that under the act of 1818, the designation had this effect.

We have said that the square in question was set apart for the *site* of a University. The other designations of squares as public grounds, show this conclusively. Was not the designation of a square in Indianapolis as "State House Square," intended to make it the *site* of a State House? and of a square as "Court House Square," intended to make it the *site* of a Court House, and of squares as "Market Squares," intended to make them *sites* of Market Houses? There can be no doubt that it was. Is it not, then, too clear to be disputed that by the designation "University Square," the *site* of a University was intended? If the square in question was dedicated for this purpose, it is not competent for the Legislature to prevent it to any other purpose. This was solemnly decided by the Supreme Court of the United States, in the case of the Vincennes University against the State of Indiana. 14 Howard's, R., 268. In that case the Vincennes University claimed that the Territorial Legislature had dedicated to it a township of land in Gibson county; that the State Legislature had long afterward, by an act, sold the same lands and put the proceeds into the treasury of the State University at Bloomington, and that this was wrongful and unconstitutional. And so the Court decided. In that case, too, the Vincennes University had been guilty of great laches. It had made no claim to the lands or their proceeds fo

many years; it had lost its organization; in reality it had never been a University; yet it was successful.

It has been argued before the Committee, with plausibility, on behalf of the city of Indianapolis, that the dedication in question might well be construed as having been made to the inhabitants of the city, for the *site* of a city University. The principle suggested is that in dedications the plats of cities or towns, where no donee is specified, it will be presumed to have been intended to be to the people of the cities or towns, unless from the nature of the thing dedicated, or of the use designated, the intention is plainly otherwise. Thus, that the dedication of a grave yard within the corporate limits of a town, has always been held to inure to the use of the inhabitants; and so, likewise, of a spring of water. 12 Wheaton R., 582. It has been urged, as being highly probable, that the Commissioners who made this dedication, anticipated that as the town they were laying out was to be the seat of government for the State, it would, in the progress of time, become a large city, and would then need a proper *site* for a city university, such as in fact then existed in several of the large cities of the United States, and that in view of this exigency, they designated the square in question for that purpose. Of course there could be no forfeiture for non-user in such a case until the city had attained to such size as to be able to support, on a proper scale of expenditure, such an institution.

While it cannot be affirmed with positive certainty that this view of the purpose of the dedication is erroneous, the majority of the committee believe that the designation on the plat was of a *site* for a *State* University. No subsequent legislation could, of course, alter the purpose for which the dedication was made, but the Legislature afterward, in 1827, lent additional sanction to the dedication by solemnly declaring the square "set apart" for the use of a State University.

The majority of the committee believe that not only has the Legislature no power to sell this square, or to devote it to any other purpose than that for which it was dedicated, but that to attempt to do so would be plainly unjust. In devoting the square which we have mentioned, for "public grounds," regard was had, as we have shown was required by the act of 1821, to the "*health, utility and beauty*" of Indianapolis. Thus a double purpose was to be subserved. That they do greatly contribute to the health-

fulness and beauty of the place, there can be no doubt. Many persons have been induced to purchase and improve grounds in front of "University Square," as the Committee have the best reason to believe, on account of these attractions and the prospect that at some not distant period an elegant and stately edifice will be erected to fulfill the purpose for which the square was dedicated. It would not comport with the honorable faith which the State has been wont to practice toward its citizens, to attempt now to revoke a dedication which has induced citizens to invest large sums of money in a way in which otherwise they would not have invested them; which has also increased the attractions of the city for strangers seeking a new home; and which would detract alike from the healthfulness, beauty and convenience of the city. We are further informed that the citizens whose property fronts the square in question, have by generous contributions caused the square to be enclosed with a handsome and substantial fence, elegant walks to be laid out through it, evergreens and other ornamental trees and shrubbery to be planted, so that when the State shall choose to appropriate it for the noble purpose for which it was dedicated, the grounds will have been so embellished as to match well with the elegant structure which the State will desire to erect there, and will be the most attractive spot in her capital.

The majority of the committee will be pardoned for expressing the opinion that it may not be long before a University of a higher order than any yet created in the State, teaching higher branches than have been taught by them, and exercising in some sort a supervision over all our colleges, as well as over our whole school system, may be found necessary. Such an institution would not compete or injuriously interfere with our colleges. New York has such an institution, and the colleges of the State, or most of them, report to it their courses of study, the magnitude of their endowments, the number of their professors and teachers, and everything of interest relating to the colleges, and it is made a convenient, central and most useful repository of all the needed statistics of education, as well as a most important agency for getting rid of abuses, and gradually and safely raising the general standard of education. Such an institution, located at our capital, convenient to the Legislature and to the State officers, central, of easy and cheap access from every part of the State, and near to the State



Library, may soon be felt to be a public want, and University Square would be an eligible site for it.

The majority of the committee, therefore, entertain the opinion that there ought to be no attempt to dispose of said square, but that the same ought to be preserved for the purpose for which they have shown that it was dedicated.

WM. SMITH,  
C. R. CORY,  
THO. STACKHOUSE,  
H. WASON,  
JOHN RATLIFF.

Mr. McLean from the same Committee, made the following minority report:

MR. SPEAKER:

The undersigned, a minority of the members of the Education Committee, to whom was referred the resolution of inquiry relative to University Square No. 25, in the city of Indianapolis, have had the same under consideration, and after a full and careful investigation of all the laws and documents relative to said subject, beg leave to report the following facts, as the result of their labors, to-wit:

In the first report of the Commissioners appointed to select and locate a site for a permanent seat of government, (House Journal, 1820—21, page 25,) no mention is made of any reservation whatever for public purposes.

In the law approved January 6, 1821, appointing Commissioners to lay off a town on the site selected for the permanent seat of Government, they are required to state "the contents of each square that may be designated on the plat thereof as public ground, and for what intended, whether for civil or religious purposes." (Laws of 1820—21, page 46.) On the 20th of November, 1821, Christopher Harrison, one of said Commissioners, made, on their behalf, a report, accompanied with a map, which was referred to a Select Committee, (House Journal, page 28,) which Select Committee reported a bill (afterwards, to-wit, on November 28, approved,) to legalize the acts and proceeding of said Commissioners, etc. Of the original map thus reported by the Commissioners:

and adopted by the Legislature, your Committee have been unable to discover a copy. An official map, however, signed by Sharpe as agent of the city of Indianapolis, and countersigned by Morris as City Surveyor, is to be found in the State Library; and upon that map the square numbered twenty-five is laid down, not divided into lots, nor intersected by alleys, as "University Square."

The first and only law reserving square number twenty-five, which your Committee have been able to find, is "an act authorizing an additional sale of lots in the town of Indianapolis, and for other purposes," approved January 26, 1827. The fifth section of that act is as follows: "That the square numbered twenty-two, be, and the same is hereby set apart for the use of a State Hospital and Lunatic Asylum, and *square numbered twenty-five for a University Square*; and the alleys, so far as they extend through said blocks, are hereby vacated. (Laws of 1826-27, page 8.) Nothing can be more definite than the wording of this law, which is still in force. The square in question is set apart "for a State University." The act organizing a State University had not been passed. There was at that time, no State University, nor was there one in existence until the year 1838. But the Constitution had provided for a State University, and it was well known that there would thereafter be one. For the purposes of that University, when established, the Square was dedicated. It was thenceforward held by the State in trust for such an institution. Nor under the new Constitution, which takes effect on the first day of next month, can this property be diverted from the original purpose to which it was thus dedicated. The Seventh Section of the Eighth Article of that Constitution is as follows: "All trust funds held by the State shall remain inviolate, and be faithfully and exclusively applied to the purposes for which the trust was created."

The State made, in the year 1850, an unsuccessful effort to dispose of a part of this Square. The first section of an act approved January 21, 1850, "to provide for the sale of a portion of square No. 25, in the city of Indianapolis," declares that "the Governor, Auditor, Secretary of State and Treasurer of State, be and are hereby authorized and empowered, on or before the first day of April next, (that is April, 1850), to sell to the Trustees of the Indiana Asbury University, at such price as they shall deem just and reasonable, so much of the unoccupied portion of square No. 25,

in the town of Indianapolis, known as the State University Square, for the erection of suitable buildings for the use of the Medical Department of said University, not to exceed one acre in quantity," (Laws of 1849-50, page 26). It is further provided in the same law that the portion so to be offered for sale shall be appraised, and shall not be sold for less than the appraised value. Your committee learn that the said portion of lot No. 25 was appraised accordingly, that as the Indiana Asbury University declined or neglected to buy it at its appraisalment, no sale has been made, as by the above law the time up to which it may be sold is limited to the first day of April, 1850, the law itself is now inoperative, and no sale can be effected under it. Your committee also wish to refer to an act of the General Assembly, approved June 17, 1852. Laws of 1852, page 504, section 20, defining what shall constitute the fund of the Indiana University, which is in the following language: "The University Fund shall consist of the lands in Monroe and Gibson counties, and proceeds of sales thereof, and all donations for the use of such University, when the same is expressly mentioned in the grant, *or when, in such grant, the term University only is used.*"

The undersigned would, therefore, under the views expressed above, beg leave to submit accompanying herewith the following bill, and respectfully recommend its passage.

All of which is respectfully reported.

WM. E. McLEAN,  
E. BISCHOF.

Mr. McLean moved to have 200 copies each of the majority and minority reports printed for the use of the House.

Mr. Greene moved to amend by making it 100 copies each instead of 200.

Which was not agreed to.

The question being on the motion made by Mr. McLean.

It was agreed to.

Mr. Litson, from the Committee on Military Affairs, made the following report:

MR. SPEAKER:

Your Committee on Military Affairs, to whom was referred the concurrent resolution of the Senate confirming the act of the Governor in drawing upon the soldiers' relief fund for the benefit of the Soldiers' Home, at Knightstown, Indiana, have instructed me to report the same back, with the recommendation that the same be passed.

Which was laid on the table.

Mr. Sabin, from the Committee on Fees and Salaries, made the following report :

MR. SPEAKER:

The Committees on Fees and Salaries, to whom referred House bill No. 10, have had the same under consideration, and have directed me to report the same back with the recommendation that it do not pass.

Which was concurred in.

Mr. Sabin, from the Committee on Fees and Salaries, made the following report :

MR. SPEAKER:

The Committees on Fees and Salaries, to whom was referred House bill No. 182, have had the same under consideration, and have directed me to report the same back, with the recommendation that it do not pass.

Which was concurred in.

Mr. Sabin, from the Committee on Fees and Salaries, made the following report :

MR. SPEAKER:

The Committee on Fees and Salaries, to whom was referred House bill No. 183, have had the same under consideration, and

have directed me to report the same back, with the recommendation that it be indefinitely postponed.

Which was laid on the table.

Mr. Sabin, from the Committee on Fees and Salaries, made the following report :

MR. SPEAKER :

The Committee on Fees and Salaries, to whom was referred House bill No. 21, have had the same under consideration, and have directed me to report the same back, recommending the following amendment, to-wit :

Wherever the words "two dollars and twenty-five cents" occur, that they be stricken out, and that "two dollars" be inserted in lieu thereof, and that when so amended they recommend that the bill do pass.

Which was laid on the table.

Mr. Stewart, from the Committee on Claims, made the following report :

MR. SPEAKER :

The Committee on Claims, to whom was referred the resolution making provisions to pay expenses of poor persons, who are compelled to attend as witnesses in criminal cases, having difficulty in ascertaining who should be classed as "poor persons," would report that the resolution be indefinitely postponed.

Which was concurred in.

Mr. Sabin, from the Committee on Fees and Salaries, made the following report :

MR. SPEAKER :

The Committee on Fees and Salaries, to whom was referred a resolution in reference to graduation of the fees of county officers, have considered the matter of said resolution and are of opinion

that the matter is impracticable, and that the resolution be laid on the table.

Which was concurred in.

Mr. Stewart, from the Committee on Fees and Salaries, made the following report :

MR. SPEAKER:

The committee to whom was referred the petition of Daniel R. McKim, of Perry county, in relation to fees of County Surveyors, have had the same under consideration, and directed me to report that the said petition lie on the table.

Which was concurred in.

Mr. Belford, by consent, from the Committee on Railroads, made the following report :

MR. SPEAKER:

The Committee on Railroads, to whom was referred the resolution instructing said committee to inquire into and report the propriety of passing a law regulating the consolidation of railroad corporations, have had the same under consideration and beg leave to report the accompanying bill, and recommend that it be read a first time.

House bill No. 243. A bill prescribing the manner in which railroad corporations within this State may be consolidated with railroad corporations within or without this State, prescribing penalties for the violation of this act, and declaring an emergency therefor.

Which was read a first time, and passed to a second reading.

Mr. Thrasher, from the Committee on Roads, made the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No 236, have

had the same under consideration, and report it back to the House, and recommend that it do not pass.

Which was laid on the table.

Mr. Danaldson, from the Committee on Agriculture, made the following report :

MR. SPEAKER :

The Committee on Agriculture, to whom was referred House bill No. 234—a bill to amend the first section of an act to regulate the toll of grist mills, and prescribing certain duties of millers, approved May 31, 1852—have had the same under consideration, and recommend its indefinite postponement, and ask to be discharged from the further consideration of the same.

Which was concurred in.

Mr. Danaldson, from the Committee on Agriculture, made the following report :

MR. SPEAKER :

The Committee on Agriculture, to whom was referred a memorial from the State Board of Agriculture, have had the same under advisement, and unanimously directed me to report in favor of the request of the memorialists.

Which was laid on the table.

Mr. Hartman, from the Committee on Mileage, obtained leave to correct the report on the mileage of Mr. O'Neil, and make it 302 miles.

Mr. Shuey, from the Select Joint Committee on the House of Refuge for Juvenile Offenders, made the following report :

MR. SPEAKER :

The Select Joint Committee on the House of Refuge for Juvenile Offenders, to whom was referred House bill No. 115, report that they have had the same under consideration, and recommend that the same be laid on the table, for the reason that said com-

mittee have prepared a more perfect bill on the subject, which will be introduced at an early day.

Which was concurred in.

Mr. Stafford, from the Special Committee on House bill No. 50, made the following report:

MR. SPEAKER:

The select committee, consisting of one from each Judicial Circuit, to whom was referred House bill No. 50—a bill defining what counties shall constitute the Thirteenth Judicial Circuit, and fixing the times of holding courts therein—have had the same under consideration, and directed me to report it back to the House with the following amendments, and when so amended, to recommend its passage:

#### Amendments to House bill No. 50.

1st. Amend section one of said bill by striking out of the fourth line of said section the word “and,” and insert after the word “Jay,” in said line, the words “and Blackford.”

2d. Insert in the last line of said section, after the word “Randolph,” the words “and in the county of Blackford on the Monday succeeding the courts in the county of Jay.”

3d. Amend the second section by inserting after the word “term,” in the last line of said section, the words “and in the county of Blackford two weeks at each term.”

Which was laid on the table.

Mr. Stafford, from the Select Committee, made the following report:

MR. SPEAKER:

The select committee, consisting of one from each Judicial Circuit, to whom was referred House bill No. 51—entitled “a bill defining what counties shall constitute the Seventh Judicial Circuit, and fixing the times of holding courts therein”—have had the same under consideration, and directed me to report it back to the House



with the following amendments, and when so amended, to recommend its passage:

1st. Amend by striking out the word "Blackford," wherever it occurs in said bill, and insert in lieu thereof the word "Grant."

2d. Amend the second section of said bill by striking out of the third and fourth lines of said section the words "four weeks in each of the counties," and insert in lieu thereof the words "three weeks in the county."

3d. Insert in the fourth and fifth lines of said section, after the word "and," the words "four weeks in the county of."

4th. After the word "Henry," in the fifth line of said section, strike out the word "two," and insert in lieu thereof the word "three."

Which was laid on the table.

Mr. Evans, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills, to whom was referred House bill No. 77, beg leave to report that they have examined the same, and find it correctly engrossed.

Mr. Daggy, from the select committee appointed in pursuance of a resolution of the House, for the purpose of districting the State for Judicial Circuits, reports that said committee have had the subject matter of the resolution under consideration, and authorize me to report the accompanying bill for that purpose, and recommend its passage:

House bill No. 224. A bill districting the State for Judicial Circuits, and providing that Judges and Prosecuting Attorneys of Circuits, as heretofore existing, shall be Judges and Prosecutors of the Circuits in which the county where they reside is situated, under this act, and providing for filling vacancies in said offices.

Which was read a first time, and passed to a second reading.

Mr. Stafford moved to take up House bills on their third reading  
Which was agreed to.

#### HOUSE BILLS ON THIRD READING.

House bill No. 175. A bill to amend an act entitled "an act providing for the election and qualification of Justices of the Peace, and defining the jurisdiction, powers and duties in civil cases," approved June 9, 1852.

Was read a third time.

Mr. Long, of Jackson, moved to recommit said bill to the Committee on Roads, with instructions.

Mr. Greene moved to lay the motion to recommit on the table.  
Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Belford, Bird, Bischof, Black, Blanch, Bobo, Carter, Crain, Crowe, Daggy, Danaldson, Dunn, Edmonson, Evans, Ferris, Foulke, Funk, Geisendorff, Gordon, Griggs, Hartman, Hamilton, Higgins, Hopkins, Honneus, Hostetter, Hudson, Kiser, Martin, Matthis, McCarthy, McClasky, McLean, McMurray, Miller, Moore, Morrison, Newcomb, Peelle, Prather, Patliff, Ross, Rosser, Sabin, Scammahorn, Shanks, Shields, Shull, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Stackhouse, Stafford, Stewart, Thrasher, Thomas, Van Valkenburgh, Vawter, Williams, Wolfer, Woods, Wright, and Mr. Speaker—64.

Those who voted in the negative were,

Messrs. Campbell, Fuller, Hungate, Inman, Litson, Long of Jackson, North, Shanks, Spencer, Thacher, Wilson, White, and Wolfe—13.

So the bill passed.

The question being, shall the title, as read, stand as the title to said bill?

It was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

House bill No. 13. A bill to create the 18th Judicial Circuit of the State of Indiana.

Was read a third time.

By unanimous consent, Mr. Stafford moved to amend by making it the "Eighteenth" Judicial Circuit.

Which was agreed to.

Mr. O'Neil moved to lay the bill on the table.

Mr. Stafford moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the motion to lay on the table.

It was agreed to.

Mr. Long, of Jackson, obtained leave and introduced

House bill No. 245. A bill to repeal an act entitled "an act to ascertain the amount of fees and salaries of the Clerks of the Supreme, and Circuit, and Common Pleas Court, of this State; the Sheriff of the Supreme Court, and the Auditors, Treasurers, and Recorders, of the various counties of this State, and of Prosecuting Attorneys of the Circuit Courts, and to provide punishment for violations of this act.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Long, of Jackson, obtained leave and introduced House bill No. 246. A bill to perpetuate the improvements made on swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the conditions of said grant, and defining the duties of County Auditors, and Boards of Commissioners in relation thereto.

Was read a first time, and referred to the Committee on Swamp Lands.

House bill No. 145 was taken up.

Mr. Spencer moved to recommit with the following instructions:

*Provided*, Such road shall be ascertained to be for the public good.

On motion by Mr. Falkenburg, the motion to recommit was laid on the table.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Belford, Blanch, Bobo, Baker, Campbell, Corey, Crain, Crowe, Danaldson, Edmonson, Ferris, Foulke, Funk, Geisendorff, Gordon, Greene, Griggs, Hartman, Higgins, Hopkins, Honneus, Hudson, Kiser, Long of Jackson, Long of Kosciusko, Martin, Mason, McCarthy, McClasky, McLean, Miller, Moore, Morrison, Newcomb, Peelle, Prather, Ratliff, Ross, Rosser, Sabin, Scammahorn, Shuey, Skidmore, Smith of Lagrange, Stafford, Stewart, Thacher, Thrasher, Thomas, Van Valkenburg, Watson, Williams, Wolfer, Woods, and Wright—55.

Those who voted in the negative were,

Messrs. Black, Carter, Dunn, Fuller, Hostetter, Hungate, Inman, Litson, Mathis, McMurray, Montgomery, North, Shanks, Shields, Shull, Smith of Wabash, Stackhouse, Wilson, White, and Wolfe—21.

So the bill passed.

The question being, shall the title, as read, stand as the title to said bill ?

It was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

House bill No. 189. A bill requiring all persons who plat towns, or additions to any town or city, in this State, to have the lands embraced in such addition, or plats, transferred for taxation, by the Auditor of the county, and providing for taxing the same.

Was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs, Belford, Bischof, Black, Blanch, Bobo, Campbell, Corey, Crowe, Daggy, Danaldson, Dunn, Edmonson, Evans, Ferris, Funk, Geisendorff, Griggs, Hartman, Hamilton, Higgins, Hopkins, Honneus, Hudson, Kiser, Litson, Long of Kosciusko, Martin, McClasky, McLean, McMurray, Miller, Moore, Morrison, Newcomb, North, O'Neil, Ross, Sabin, Shuey, Skidmore, Smith of Lagrange, Spencer, Stafford, Stewart, Thrasher, Thomas, Van Valkenburgh, Vawter, Watson, Williams, Wolfer, Woods, Wright, and Mr. Speaker—54.

Those who voted in the negative were,

Messrs. Baker, Bird, Carter, Fuller, Gordon, Hostetter, Hungate, Inman, Long of Jackson, Matthis, McCarthy, Montgomery, Peelle, Prather, Ratliff, Shanks, Shields, Shull, Smith of Wabash, Stackhouse, White, and Wolfe—22.

So the bill passed.

The question being, shall the title, as read, stand as the title to said bill ?

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

Mr. Litson moved to suspend the order of business, and take up Senate concurrent resolution for making appropriations for the Soldiers' Home at Knightstown."

Which was agreed to.

The question being on the adoption of said resolution.

It was agreed to.

Mr. Shuey moved that when the House adjourns, it stands adjourned until 9 o'clock to-morrow morning.

Which was agreed to.

House bill No. 164. A bill to amend an act entitled "an act to regulate the remission of fines and forfeitures," approved June 14, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Belford, Bird, Bischof, Crowe, Douglass, Edmonson, Fuller, Greene, Hartman, Higgins, Hughes, Hungate, Inman, Long of Jackson, Miller, Morrison, Montgomery, Prather, Shanks, Shields, Spencer, Stackhouse, Stafford, Williams, and White—25.

Those who voted in the negative were,

Messrs. Baker, Black, Blanch, Campbell, Carter, Crain, Daggy, Danaldson, Dunn, Evans, Ferris, Foulke, Funk, Geisendorff, Gordon, Griggs, Hamilton, Hopkins, Honneus, Hudson, Kiser, Long of Kosciusko, Martin, Mason, Matthis, McCarthy, McClasky, McLean, McMurray, Moore, Newcomb, North, Peelle, Ratliff, Ross, Sabin, Scammahorn, Shull, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Stewart, Thacher, Thrasher, Thomas, Vawter, Watson, Wilson, Wolfe, Wolfer, Woods, Wright, and Mr. Speaker—54.

So the bill did not pass.

The Speaker laid before the House the following communication from the Auditor of State :

STATE OF INDIANA,  
OFFICE AUDITOR OF STATE, }  
Indianapolis, February 8, 1867.

HON. DAVID C. BRANHAM,

*Speaker of the House of Representatives:*

SIR: In reply to the resolution adopted by the House, on the 6th instant, I have to state that the Directors of the State Prison North, from the first organization of the Board, in 1859, have all been paid for three hundred and sixty-five days for each year's service, at the rate of three dollars per day, making \$1,095 annually for each director.

In addition to this, the original Board of Control were allowed three dollars per day each, for their expenses, while locating the prison.

Very respectfully, your ob't serv't,

T. B. McCARTY,  
*Auditor of State.*

Mr. Newcomb moved that said communication be referred to the Committee on the State Prison North.

Which was agreed to.

Messrs. Kiser and Wolfer obtained leave of absence until Monday next.

Also, Mr. Thacher obtained leave of absence until Manday, and Mr. Smith, of Wabash, until next Tuesday.

Mr. Montgomery obtained leave, and presented the following resolution :

*Resolved*, That the communication from W. H. H. Terrell, Adjutant General, to the General Assembly of Indiana, which was heretofore laid on the table, be now referred to the Committee on Military Affairs.

Which was agreed to.

House bill No. 26. A bill to repeal an act entitled "an act to enforce the 13th article of the Constitution," approved June 18, 1862.

Was read a third time, and, on motion, was laid on the table.

House bill No. 141. A bill regulating interest, and repealing all laws conflicting therewith.

Was read a third time, and, on motion, was laid on the table.

House bill No. 144. A bill to prevent the spread of disease among sheep.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Belford, Bird, Bischof, Black, Blanch, Bobo, Brucker, Carter, Crain, Crowe, Daggy, Danaldson, Douglass, Dunn, Ferris, Foulke, Funk, Fuller, Geisendorff, Gordon, Greene, Griggs, Hartman, Hamilton, Higgins, Hopkins, Honneus, Hostetter, Hudson, Hungate, Inman, Kiser, Long of Jackson, Long of Kosciusko, Martin, McCarthy, McClasky, McLean, McMurray, Miller, Moore, Morrison, Montgomery, Newcomb, North, Peelle, Prather, Ratliff, Ross, Rosser, Sabin, Scammahorn, Shanks, Shields, Shull, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stackhouse, Stafford, Stewart, Thacher, Thrasher, Thomas, Van Valkenburgh, Vawter, Williams, White, Wolfer, Woods, Wright, and Mr. Speaker.—74.

Those who voted in the negative were,

Messrs. Edmonson, Matthis, and Wolfe—3.

So the bill passed.

The question being, shall the title, as read, stand as the title to said bill?

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.



House bill No. 151. A bill to amend the 13th section of an act entitled "an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.

Was read a third time, and, on motion, was re-committed to the Committee on the Organization of Courts of Justice.

On motion by Mr. Van Valkenburgh, the House adjourned.

SATURDAY MORNING, 9 O'CLOCK, }  
February 9, 1867. }

The House met.

On motion by Scammahorn, the reading of the journal was dispensed with.

Mr. McClasky obtained leave of absence until Monday.

Mr. Newcomb obtained leave of absence until Monday next.

#### PETITIONS, MEMORIALS, CLAIMS, ETC.

The Speaker laid before the House two petitions from sundry citizens of Adams county, praying that the thirty-third section of an act entitled "an act to provide for a general system of Common Schools, &c.," be so amended that the State Superintendent of Public Instruction shall be empowered to appoint the school examiners of the several counties in this State.

Which were read.

Mr. Long, of Jackson, moved to lay the said petitions on the table.

No quorum voting, Mr. Crain moved that the House do now adjourn.

Which was not agreed to.

The Speaker ordered a call of the House.

The Clerk proceeded to call the roll, pending which,

Mr. Woods moved that the further call be dispensed with.

Which was agreed to.

Mr. Woods moved that the petitions from Adams county, just presented to the House, be referred to the Committee on Education.

Which was agreed to.

Message from the Senate by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following Engrossed House bill, to-wit:

House bill No. 203, entitled a bill fixing the time of holding the Courts of Common Pleas in the 5th Judicial District, repealing all other laws on the same subject, and declaring when this act shall take effect.

By Mr. Daggy,

A memorial from Mr. Parrit, asking for a change in School laws. Which was read and referred to the Committee on Education.

By Mr. Hudson,

A certificate of Mr. Kennedy in relation to George H. Moore, late employé of the House.

Which was read and referred to the Committee on Employés.

By Mr. Barritt,

Two petitions from sundry citizens of Bartholomew county, asking for a prohibitory liquor law.

Which were referred to the Committee on Temperance without reading.

By Mr. Stackhouse,

A petition from several ladies of Orange county, asking for a prohibitory liquor law.

Which was read and referred to the Committee on Temperance.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Sabin, from the Committee on Fees and Salaries, made the following report:

MR. SPEAKER:

The Committee on Fees and Salaries, to whom was referred

Senate bill No. 5, have had the same under consideration and have directed me to report the same back, recommending the following amendment:

That section one of the act referred to in said bill, which reads as follows:

*"Be it enacted by the General Assembly of the State of Indiana, That the Salary of the State Librarian shall be twelve hundred dollars per annum, payable out of the State Treasury, and there shall not be any extra amount for an Assistant Librarian or Clerk,"* be amended to read as follows:

*Be it enacted by the General Assembly of the State of Indiana, That the salary of the State Librarian, shall be fifteen hundred dollars per annum, payable out of the State Treasury, and there shall not be any extra amount for an Assistant Librarian or Clerk, and recommend that when so amended the bill do pass.*

Which was concurred in.

Mr. Evans, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills, to whom was referred House bill No. 97, have examined the same, and ordered me to report that the same is correctly engrossed.

#### INTRODUCTION OF BILLS, RESOLUTIONS, ETC.

Mr. Stafford introduced

House bill No. 247. A bill to prohibit the sale of intoxicating liquors as a beverage, and to regulate their sale for useful purposes, and prescribing penalties for being intoxicated in any public place.

Which was read a first time, and referred to a Committee on Temperance.

Mr. McMurray, from the Committee on Agriculture, by consent, made the following report:

MR. SPEAKER:

The Committee on Agriculture, to whom was referred the

memorial of the Committee of the State Board of Agriculture, asking an appropriation to publish the reports of the same, have had the same under consideration, and have prepared the accompanying bill to carry out the object of the memorial, and unanimously recommend its passage :

House bill No. 248. A bill to provide for the publication of the reports of the Indiana State Board of Agriculture.

Which was read a first time, and passed to a second reading.

Mr. Peelle offered the following resolution :

*Resolved*, That the Committee on the Judiciary be directed to return House bill No. 136.

Which was concurred in.

Mr. Wilson introduced

House bill No. 249. A bill to establish the old land marks and prevent litigation.

Which was read a first time, and referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

Mr. Evans introduced

House bill No. 250. A bill to establish Surrogate Courts, and defining the jurisdiction and duties of, and providing compensation for the Judges thereof.

Which was read a first time, and referred to the Committee on the Organization of Courts.

Mr. Spencer introduced

House bill No. 251. A bill to amend an act amending an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of the county and township officers in relation thereto, approved December 20, 1865,

Which was read a first time, and referred to the Committee on County and Township Business.

Mr. Prather introduced

House bill No. 252. A bill to amend the fourth sub-division of

section six of an act to provide for the valuation and assessment of real and personal property, and collection of taxes in the State of Indiana; for the election of Township Assessors, and prescribing the duties of Assessors, Appraisers of real property, County Treasurers, and Auditors, and the Treasurer and Auditor of State, approved June 21, 1852.

Which was read a first time, and referred to the Committee on Ways and Means.

Mr. Daggy introduced

House bill No. 253. A bill providing for the location, construction, and use of lateral railroads, and for the assessment of damages occasioned by the location, construction, and use of the same.

Which was read a first time, and referred to the Committee on Railroads.

Mr. Long, of Jackson, presented the following notice :

Notice is hereby given that I will move, as soon as the same can be heard, to change rule No. 62 of the House, by adding thereto, after the last word in said rule, the following words: "And vote thereon."

Mr. White introduced

House bill No. 254. A bill fixing the time for filing papers in the Commissioners' Court, and providing that claims chargeable to counties shall be accompanied by affidavit of claimant.

Which was read a first time, and referred to the Committee on County and Township Business.

Mr. Newcomb introduced

House bill No. 255. A bill providing for the payment of the ordinary expenses of the State Government, defining the manner in which the same shall be done, and prescribing the duties of the Auditor and Treasurer of State in relation thereto.

Which was read a first time, and referred to the Committee on Ways and Means.

Mr. Daggy introduced

House Bill No. 256. A bill to amend section 24 of an act regulating descents, and the apportionment of estates, approved May 14, 1852.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Peelle introduced

House bill No. 257. A bill relieving certain officers from the custody of useless papers.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Dunn introduced

House bill No. 258. A bill appointing Commissioners to sell real estate, and prescribing their duties, and providing for the disposition of the proceeds of said sale, and for the establishing of an agricultural department in the State University.

Which was read a first time, and passed to a second reading.

Mr. White offered the following resolution:

*Resolved*, That the Committee on Education be requested to inquire into the propriety and necessity of so amending the second proviso of the twentieth section of the common school law, that the school year shall begin on the 1st Monday in July, instead of April, and report by bill or otherwise.

Which was read, and referred to the Committee on Education.

Mr. Peelle introduced

House bill No. 259. A bill to amend the 27th section of an act entitled "an act defining felonies, and, prescribing punishment therefor." approved June 10, 1852.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Prather introduced

House bill No 260. A bill to amend an act entitled "an act to amend section 7 of an act entitled 'an act fixing the time for hold-

ing the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Court returnable to such terms, declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859—so as to change the times of holding said Courts in Jennings and Bartholomew counties, and declaring when this act shall take effect, approved March 9, 1861—so as to change the times of holding said courts in Jennings and Bartholomew counties, extending the time of holding said courts therein, requiring all persons to take notice thereof, providing for the return of process, and declaring when this act shall take effect, approved February 6, 1865—so as to change the time of holding said courts in the county of Jennings, requiring all persons to take notice thereof, providing for the return of process, and declaring when this act shall take effect.

Which was read a first time, and referred to the Committee on the Organization of Courts.

Mr. Montgomery introduced

House bill No. 261. A bill to amend section 3 of an act entitled "an act regulating foreign insurance companies doing business in this State, prescribing the duties of the Agents thereof, and of the Auditor of State in connection therewith, and providing penalties for the violation of the provisions of this act," approved December 21, 1865.

Which was read a first time, and referred to the Committee on Fees and Salaries.

## ORDERS OF THE DAY.

Mr. Woods moved that House bill No. 221 be returned to the House.

Which was agreed to.

Mr. Woods then moved that said bill be referred to the Joint Committee on the State Prison North and the State Prison South.

Which was agreed to.



## SENATE BILLS ON FIRST READING.

Senate bill No. 29. A bill to define who are competent witnesses in this State.

Was read a first time, and referred to the Committee on the Judiciary.

Engrossed Senate bill No. 32. A bill to provide for issuing *ca-pias ad satisfaciendum*, when, in actions for replevin of personal property, defendant shall fraudulently conceal, remove, transfer, withhold, or refuse to deliver said property, and providing the manner of proceedings to obtain said writ in certain cases therein specified.

Was read a first time, and referred to the Committee on the Judiciary.

Engrossed Senate bill No. 33. A bill to amend sections 10, 13, 14 and 15 of an act entitled "an act regulating the fees of officers and repealing former acts in relation thereto," approved March 2, 1855.

Was read a first time, and referred to the Committee on Fees and Salaries.

Mr. McCarthy, from the Committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The Joint Committee on Enrollment have compared enrolled act No. 203, House of Representatives, and find the same correctly enrolled.

Engrossed Senate bill No. 43. A bill to amend section fifteen of an act entitled "an act to provide for the opening, vacating and change of highways," approved June 17, 1852.

Was read a first time, and referred to the Committee on Roads.

The Speaker announced to the House that he had signed enrolled House bill No. 203.

The Speaker announced that he had received a book entitled 'The Iron Furnace.'

On motion, said book was referred to the Speaker without reading.

Mr. Scammahorn moved that the book be referred to a committee of the whole House.

Which was declared to be out of order by the Speaker.

Mr. Greer obtained leave of absence.

Engrossed Senate bill No. 70. A bill to amend section 57 of an act for the incorporation of cities, approved Dec. 20, 1865, authorizing subscriptions and donations to aid in the construction of plank roads, macadamized roads and railroads, running into or through such cities, prescribing the manner in which such subscriptions and donations may be made, and for the enforcement thereof.

Was read a first time, and referred to the Committee on the Judiciary.

Mr. Ross moved to suspend the order of business and take up House bill No. 244. A bill districting the State for Judicial Circuits, and providing that Judges and Prosecuting Attorneys of circuits as heretofore existing, shall be Judges and Prosecuting Attorneys of the circuits in which the county where they reside is situated under this act, and providing for filling vacancies in said offices.

Which was agreed to, and said bill was read a second time.

Mr. Ross offered the following amendment to said bill:

Strike Sullivan county out of the Twentieth Judicial Circuit, and place it in the Sixth Judicial Circuit.

Which was agreed to.

Mr. Woods offered the following additional amendment:

Amend section 21 of said bill by striking out all after the word

"circuits," in the seventh line of said section, and insert in lieu thereof the words "for which they were severally elected."

Which was agreed to.

Said bill was ordered to be engrossed.

Mr. Long, of Jackson, moved to suspend the order of business and take up House bill No. 14.

Which was not agreed to.

The Speaker announced that he had received a communication from the author of "Iron Furnace," stating that said author would deliver a lecture to the General Assembly at any time they might designate.

Mr. Van Valkenburgh moved that the House invite him to speak in the Hall of the House of Representatives on Tuesday evening next, at 7 o'clock.

On motion by Mr. Evans, the vote previously taken making Senate bill No. 7 the special order for Tuesday evening next at seven o'clock, was reconsidered.

Mr. Evans moved to make Senate bill No. 7 the special order for Wednesday next at 3 o'clock P. M.

Which was agreed to.

The motion as made by Mr. Van Valkenburgh was then agreed to.

Message from the Senate by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the President of the Senate to inform the House of Representatives that he has signed enrolled House act No. 203.

Senate bill No. 58—a bill to amend an act entitled "an act to provide for the valuation and assessment of the real and personal

property, and the collection of taxes in the State of Indiana; for the election of Township Assessors, and prescribing the duties of Assessors, Appraisers of real property, County Treasurers and Auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.

Was read a first time and referred to the Committee on Ways and Means.

Senate bill No. 158—a bill concerning the Supreme Court.

Was read a first time.

Mr. Prather moved that it be referred to the Joint Committee on Public Buildings.

Mr. Shuey moved to amend by referring said bill to the Committee on the Judiciary.

The question being on Mr. Shuey's amendment to Senate bill No. 158.

Mr. Crain moved to lay the whole subject on the table.

Which was agreed to.

Message from the Governor:

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, February 9, 1867. }

MR. SPEAKER:

I am directed by Governor Baker to inform your honorable body that he has approved and signed enrolled act No. 203—an act to fix the time of holding the Courts of Common Pleas in the Fifth Judicial District, repealing all other laws on the same subject, and declaring when this act shall take effect—and that the same has been deposited in the office of the Secretary of State.

Very respectfully,

JOHN M. COMMONS,

*Private Secretary.*

Message from the Senate by Mr. Wilson, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed engrossed House bill No. 49, entitled a bill creating the Seventeenth Judicial Circuit, and fixing the times of holding courts therein.

Engrossed Senate bill No. 95—a bill to amend an act entitled “an act providing for the election or appointment of Supervisors of Highways, and prescribing certain of their duties, and those of county and township officers, in relation thereto,” approved March 5, 1859, approved December 20, 1865.

Was read a first time, and referred to the Committee on the Judiciary.

Engrossed Senate bill No. 74—a bill amendatory of an act entitled “an act to provide for the more uniform method of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act,” approved February 18, 1859.

Was read a first time, and referred to the Committee on County and Township Business.

Engrossed Senate bill No. 63. A bill for the repeal of statutes not in conformity with the ruling of the Supreme Court, in the case of Langdon against Applegate and others, and limiting actions arising out of the same, or for a violation thereof.

Was read a first time, and passed to a second reading.

Engrossed Senate bill No. 30. A bill for the protection of fish, defining the time in which they may be trapped, netted, or seined, affixing the penalty for the violation of this act, and declaring an emergency.

Was read a first time, and referred to the Committee on the Rights and Privileges of the Inhabitants of this State.

Engrossed Senate bill No. 61. A bill to amend section thirty of an act entitled “an act to amend an act to entitled an act providing

for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved March 5, 1859, which last mentioned act was approved December 20, 1865.

Was read a first time, and referred to the Committee on County and Township Business.

Senate bill No. 8. A bill to provide for the care and custody of the person and estate of habitual drunkards.

Was read a first time, and referred to the Committee on the Judiciary.

Engrossed Senate bill No. 53. A bill to amend the first section of an act entitled "an act to amend the first section of an act to amend the sixth section of an act providing for the organization of County Boards, and prescribing some of their powers and duties," which first above mentioned act was approved June 17, 1852; that said second mentioned act was approved February 16, 1859; which latter act above mentioned was approved March 9, 1861, and which act hereby amended was approved March 7, 1863.

Was read a first time, and referred to the Committee on Ways and Means.

Engrossed Senate bill No. 36. A bill to amend an act entitled "an act to provide for the appointment of a sheriff of the Supreme Court, and prescribing certain of his duties and fees," approved May 13, 1852.

Was read a first time, and referred to the Committee on Fees and Salaries.

Engrossed Senate bill No. 13. A bill to authorize and provide for changes of venue, in civil actions, in certain cases.

Was read a first time, and referred to the Committee on the Judiciary.

Mr. Peelle moved that when the House adjourns, it adjourn until Monday next at 2 o'clock P. M.

Which was agreed to.

On motion, the House adjourned.

MONDAY AFTERNOON, 2 O'CLOCK, {  
February 11, 1867. }

The House met.

On motion by Mr. Montgomery, the reading of the Journal was dispensed with.

Messrs. Watson, Wolflin, and Baker obtained leave of absence.

PETITIONS, MEMORIALS, CLAIMS, ETC

The Speaker presented a petition from Mr. Wm. B. Matthews, praying remuneration for services done the State and money spent in arresting and bringing to justice one L. B. Calhoun.

Which was referred to the Committee on Claims without reading.

By Mr. Wright,

A petition from sundry citizens of Lake county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. Geisendorff,

A petition from sundry citizens of Noble county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

The Committee on Military Affairs obtained leave of absence for Wednesday next.

By Mr. Shanks,

A petition from sundry citizens of Harrison county, in relation to the Morgan raid.

Which was referred to the Committee on Claims without reading.

## REPORTS OF STANDING COMMITTEES.

Mr. Daggy, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 54, in relation to voluntary associations, have had the same under consideration, and directed me to report the same back to the House with the recommendation that it should pass.

Which was laid on the table.

Mr. Miller, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee to whom was referred House bill No. 111—entitled “an act limiting the liability of Inn-keepers,”—have had the same under consideration and direct me to report said bill back to the House and recommend that it be indefinitely postponed.

Which was concurred in.

Mr. McLean moved to suspend the order of business and take up House bill No. 54.

Which was agreed to.

House bill No. 54 was read a second time and ordered to be engrossed.

Mr. Evans, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills, to whom was referred House bill No. 244, have carefully examined the same and have ordered me to report the same correctly engrossed.

Mr. Newcomb introduced

House bill No. 262. A bill to amend sections two and six of an



act entitled "an act to incorporate the widow's and orphan's asylum, of Indianapolis."

Which was read a first time and passed to a second reading.

Mr. Wolfe introduced

House bill No. 263. A bill to amend section 104 of an act entitled an act to amend sections 78, 79, 94, 95, 104, 142 and 143 of an act entitled an act to provide for the valuation of the real and personal property and the collection of taxes in the State of Indiana, for the election of township Assessors and prescribing the duties of Assessors, Appraisers of real property, County Auditors and Treasurers, and of the Treasurer and Auditor of State, approved June 21, 1852, and to repeal an act entitled an act to amend the 143d section of an act entitled an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township Assessors, and prescribing the duties of Assessors and Appraisers of real property, County Treasurers and Auditors and of the Treasurer and Auditor of State, approved June 21, 1852, approved March 4, 1859, approved May 31, 1861.

Which was read a first time and referred to the Committee on Ways and Means.

Mr. Wright introduced

House bill No. 264. A bill to legalize the sale of seminary lands in Jasper county to Marion L. Spitter and Margareth Stackhouse.

Which was read a first time and referred to the Committee on Education.

Mr. Holmes introduced

House bill No. 265. A bill to amend sections 9 and 17 of an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865.

Which was read a first time and referred to the Committee on Education.

Mr. Greene offered the following resolution :

*Resolved,* That the present fund known as the Soldiers' Relief Fund, be transferred to the Common School Fund of the State, and that the Committee on Military Affairs be instructed to inquire into the expediency of presenting a bill to this effect.

Which was agreed to.

The Speaker announced that he had signed House bill No. 49.

Mr. Spencer introduced

House Joint Resolution No. 13. A Joint Resolution instructing our Senators and requesting our Representatives in Congress to secure the passage of a law by which the damages and losses incurred by certain citizens of Indiana by the Morgan Raid be paid.

Was read a first time and passed to a second reading.

Mr. McLean introduced

House bill No. 266. A bill to provide for the teaching of the German Language in the Common Schools of this State and to provide for the teaching of such branches of learning as are from time to time required to be taught in the Common Schools of this State to be taught in the German Language, upon proper application made for the same.

Which was read a first time and referred the Committee on Education.

Mr. Morrison introduced

House bill No. 267. A bill to authorize Clerks of Circuit Courts to procure and furnish to Justices of the Peace blank books to be used by them as dockets.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Woods introduced

House bill No. 268. A bill supplemental to an act regulating general elections, and prescribing the duties of officers in relation thereto, approved June 7, 1852.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Daggy introduced

House bill No. 269. A bill to amend section 156 of article 9, of an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases, etc.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Wilson introduced

House bill No. 270. A bill to regulate the granting of divorces.

Which was read a first time, and referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

Mr. McMurray introduced

House bill No. 271. A bill to amend section sixty-seven of an act entitled "an act repealing all general laws now in force for the incorporation of cities, providing for the incorporation of cities, prescribing their powers, rights, and duties, and the manner in which they shall exercise the same, and regulating other matters properly connected therewith, and repealing certain acts therein specified, approved December 20, 1865; to provide for the exemption of property from assessments for street improvements in certain cases."

Which was read a first time, and referred to the Committee on Corporations.

Mr. Moore introduced

House bill No. 272. A bill to create the Twenty-second District of the Court of Common Pleas of Indiana; to fix the time of holding the Courts in said district, and to repeal all laws in conflict therewith.

Was read a first time, and referred to the Committee on the Organization of Courts of Justice.

Mr. McMurray introduced

House bill No. 273. A bill to amend section seven of an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for

certain officers therein named, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1865; to require School Trustees for incorporated cities and towns to make exhibits and reports concerning school funds with which they are chargeable, and their duties general to the Common Council thereof wherein such Common Council shall require them so to do, and providing when the act shall take effect and be in force.

Which was read a first time, and referred to the Committee on Education.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the President of the Senate to inform the House of Representatives that he has signed enrolled House act No. 46, and the same is herewith respectfully returned.

Mr. Montgomery introduced

House bill No. 274. A bill to amend section seven of an act entitled an act providing for the election of Clerks of the Circuit Court, and prescribing some of their duties, approved June 9, 1852.

Which was read a first time, and referred to the Committee on Education.

Mr. Campbell, by consent, offered the following resolution:

WHEREAS, The Committee on Public Expenditures have been required by a resolution of the House to keep a record of their proceedings; therefore,

*Resolved*, That said committee be authorized to employ a clerk for that purpose, who shall be paid for the time he actually serves the committee in that capacity.

Which was agreed to.

Mr. McLean obtained leave to withdraw House bill No. 204 from the files of the House.

Mr. Newcomb moved to take up Senate bill No. 158, and refer said bill to the Special Joint Committee on Public Buildidgs, with the following instructions:

And said committee is instructed to inquire into the expediency of providing by law for the erection upon ground belonging to the State, of a building sufficient to accommodate the Supreme Court and the State officers.

Which was concurred in.

### ORDERS OF THE DAY.

Engrossed Senate bill No. 63. A bill for the repeal of Statutes not in confirmity with the ruling of the Supreme Court in the case of Langdon against Applegate and others, and limiting actions arising out of the same, and for a violation thereof.

Was read a second time, and referred to the Committee on the Judiciary.

Senate bill No. 5. A bill to amend an act entitled an act to amend an act entitled an act to fix the amount of salary of the State Librarian, and repealing all former laws, conflicting therewith, and to dispense with an Assistant Librarian and Clerk, approved March 4, 1859, and also increasing the powers and duties of the State Librarian, approved December 20, 1865.

Was read a second time, and the amendments heretofore reported were also read.

Mr. Miller moved that the amendment contained in said report be laid on the table.

Which was agreed to.

Senate bill No. 5 passed to a third reading.

The Speaker laid before the House the following communication from the Auditor of State, with the accompanying statement from the Attorney General:

OFFICE AUDITOR OF STATE, }  
 INDIANAPOLIS, February 11, 1867. }

HON. D. C. BRANHAM, *Speaker of the House of Representatives:*

SIR—In reply to a resolution adopted by the House on the 31st ult., in relation to the dismissal of a suit against the Louisville, New Albany and Chicago Railroad Company, I have the honor to transmit herewith a communication addressed to me by the Attorney General, November 16, 1866, explaining his reason for such dismissal.

Very respectfully,

T. B. McCARTY, *Auditor of State.*

ATTORNEY GENERAL'S OFFICE, }  
 November 16, 1866. }

THOS. B. McCARTY, *Auditor of State :*

DEAR SIR:—On examination of the case of the State ex rel. McCarty, Auditor of State, vs. the Louisville and Chicago R. R. Co., I find the following facts substantially existing in connection with said case :

In 1853-'54 the Secretary of the Company, under a duty imposed by the 32d section of the Statute of 1852, regulating the assessment of property, made up his sworn list, based upon the subscribed capital stock of said company, as it appeared on the books of said company. This list was made, under the impression, then erroneously entertained, that the word stock referred to the subscribed capital to said company. My recollection is that it amounted to something over four millions of dollars, the road being a fraction over 288 miles in length. The tax based on this valuation at once satisfied the company that the earnings of the road would not pay the taxes, the road being in bad repair, and with great difficulty kept up, and in running condition.

The Supreme Court, in the case of the State on the relation of Dunn, Auditor of State vs. Hamilton, Auditor of Marion county, V. Ind. R. p. 310, decided that the word stock did not mean the stock subscribed, but the actual taxable property of the company. The taxes thus assessed accumulated through the years 1854, 1855, 1856, 1857, and 1858. In 1860 the Auditors of the various counties through which the road ran, met at Greencastle on the call of the Auditor of State, and valued the road at \$750 per mile. This

valuation was approved by the Auditor of State, and the Auditors of the several counties on the line of the road.

The company adopted this appraisement, and have since paid the taxes regularly assessed against them. The delinquent taxes which had accumulated from 1854 to 1859, were then arranged and settled on the basis of \$750 per mile. In several instances this arrangement was approved by the Boards of County Commissioners, and in all, receipts were given for the delinquent taxes in full.

The delinquent taxes due the State were also settled, and paid to the Treasurer of State. These various compromises are perhaps not legally and technically binding on the State, but still having been made and carried out in good faith, I am not disposed to treat them as worthless, and therefore recommend that said suit be dismissed, and will immediately do so, unless objected to by yourself.

Very respectfully, your obedient servant,

D. E. WILLIAMSON,  
*Attorney General of State.*

Engrossed Senate bill No. 11. A bill to amend sections 3 and 14 of an act entitled "an act to allow County Commissioners to organize turnpike companies, where three-fifths of the persons representing the real estate within prescribed limits petition for the same, and to levy a tax for its construction, and provide for the same to be free.

Was read a second time.

Mr. Vawter offered the following amendments:

Amend so as to allow the owner of the adjoining land to select his own road, for which he shall pay tax.

To amend so as to allow the company to drain the road through adjoining lands, at the expense of the owner.

Mr. Ross offered the following amendment:

Amend the third section, by providing that where one-half or a quarter portion of any Government sub-division of land lies within three-fourths of a mile, the whole shall be taxed, and where less than half is within three-fourths of a mile of said road, none of said tract shall be taxed.

Mr. Montgomery offered the following amendment:

SEC. 3. All real estate outside of the corporate limits of any town or city incorporated as such, three-fourths of one mile each side of the proposed road shall be taxed to construct the said road, in proportion to the appraisement of the realty that may be on the County Auditors books at the organization, and each owner shall pay his proportion of the cost of the construction of the proposed gravel, plank, or macadamized road, according to the amount of his assessment of real estate within the prescribed limits, on the following basis, viz :

On the lands lying within one-quarter of one mile from each side of the proposed road, there shall be levied and collected, one-half of the cost of the construction of the proposed road.

On the lands lying at a distance of one-quarter of one mile from each side of the proposed road, and within one-half of one mile whereof, there shall be levied and collected one-third part of the entire cost of the construction of the proposed road. And on the lands lying at a distance of one-half of one mile from each side of the proposed road, there shall be levied and collected, one-sixth part of the entire cost of the construction of the said road: *Provided, however,* That lands once taxed for the construction of a gravel, plank, or macadamized road, according to the provisions of this act, shall not again be liable to taxation for the construction of a second or subsequent road, without the consent of the owner thereof, and joining in the petition to the County Board, according to the provisions of the first section of this act, shall be deemed such consent.

Mr. Daggy moved that said bill, with pending amendments, be referred to the Committee on the Judiciary.

Which was agreed to.

#### HOUSE BILLS ON SECOND READING.

House bill No. 15. A bill to carry out the provisions of an act entitled, "an act to create a State Normal School, and declaring an emergency," approved December 20, 1865, and to appropriate the funds necessary for the erection and furnishing of the State



Normal Schools, and providing from what fund the same shall be taken and appropriated.

Was read a second time, and referred to the Committee on Ways and Means.

House Joint Resolution No. 10 was read a second time and ordered to be engrossed.

House Joint Resolution No. 11 was read a second time and ordered to be engrossed.

House bill No. 27. A bill to authorize incorporated towns to prepare, execute, and sell bonds, to provide means to erect and complete unfinished school buildings, and to pay debts contracted for the erection of such school buildings, and to authorize the levy and collection of an additional special school tax to pay the interest and principle of such bonds.

Was read a second time, and referred to the Committee on the Judiciary.

House bill No. 41. A bill to provide for and regulate the issuing and granting of licenses to locomotive engineers, within the State of Indiana, and prescribing penalties for the violation of the provisions thereof.

Was read a second time, with pending amendment, and referred to the Committee on the Judiciary.

House bill No. 96. A bill authorizing the Board of Trustees of incorporated towns to establish fire limits, and to prevent the erection of wooden buildings within such limits.

Was read a second time, and the following amendments were proposed :

Mr. Hartman moved to amend by inserting "two-thirds of the owners of real estate, within the proposed fire limits, residents within the corporate limits of such town."

Which was agreed to.

Mr. Woods moved to recommit the bill, with instructions to

strike out the requirement that the petition contain the names of owners of property within the proposed limits.

Which was not agreed to.

When said bill was ordered to be engrossed.

House bill No. 130. A bill to amend section twenty-eight of an act entitled "an act defining felonies, and prescribing punishment therefor," approved June 10, 1852.

Was read a second time, and ordered to be engrossed.

House bill No. 133 was read a second time, and ordered to be engrossed.

Mr. Tebbs obtained leave of absence on account of sickness.

House bill No. 145. A bill to amend the fifth clause of section twenty-two of an act entitled "an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties," approved June 11, 1852.

Was read a second time, with the amendment presented by the committee in their report heretofore made.

The question being on adopting the amendment, and no quorum voting,

The Speaker ordered a call of the House, and the following gentlemen answered to their names:

Messrs. Bird, Bischof, Black, Blanch, Campbell, Carter, Crain, Crowe, Daggy, Danaldson, Douglass, Dunn, Edmonson, Ervin, Evans, Ferris, Foulke, Funk, Fuller, Geisendorff, Greene, Hartman, Higgins, Hopkins, Honneus, Hostetter, Hudson, Hungate, Inman, Litson, Long of Kosciusko, Martin, Mason, McCarthy, McClasky, McLean, McMurray, Miller, Moore, Morrison, Montgomery, Newcomb, North, O'Neil, Peelle, Prather, Ross, Sabin, Shanks, Shields, Shuey, Skidmore, Smith of Lagrange, Spencer, Stackhouse, Tebbs, Thacher, Thrasher, Thomas, Van Valkenburgh, Vawter, Wilson, White, Wolfe, Woods, Wright, and Mr. Speaker—67.

On motion, a further call of the House was dispensed with.

The question being on adopting the amendment heretofore reported by the Committee on Corporations.

The same was agreed to.

Said bill was ordered to be engrossed.

Mr. Daggy moved to reconsider the vote ordering House bill No. 130, to be engrossed.

Which was agreed to.

The question being on adopting the amendment heretofore reported by the Committee on the Judiciary.

The same was agreed to.

Said bill was then ordered to be engrossed.

House bill No. 159 was read a second time, and ordered to be engrossed.

Message from the Governor, by Mr. Commons, his Private Secretary:

MR. SPEAKER:

I am directed by Governor Baker to inform your honorable body that he has approved and signed Enrolled Act No. 49—an act creating the 17th Judicial Circuit, and fixing the times of holding courts therein—and that the same has been deposited in the office of the Secretary of State.

House bill No. 162. A bill to repeal an act entitled “an act to repeal sections forty-three and forty-four of an act entitled an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate, and contest thereof,” approved May 31, 1852; approved December 21, 1865.

Was read a second time.

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Mr. Miller moved that said bill be indefinitely postponed.

Which was agreed to.

Mr. Miller moved to reconsider the vote whereby the House indefinitely postponed House bill No. 111.

Which was agreed to.

Mr. Miller obtained leave to withdraw said bill from the files of the House.

Mr. Greene, by consent, offered the following resolution:

*Resolved*, That the hall of the House of Representatives be tendered the Hon. Henry Walker, to deliver a lecture, on Thursday evening, February 28, 1867, on the subject of the Fine Arts and Sciences.

Which was agreed to.

Mr. Dunn moved to reconsider the vote whereby the House indefinitely postponed House bill No. 162.

Mr. Thacher moved to lay the motion to reconsider on the table.

Which was agreed to.

On motion, the House adjourned.

TUESDAY MORNING, 9 o'clock, }  
February 12, 1867. }

The House met.

The Clerk proceeded to read the journal, when Mr. Montgomery moved the further reading thereof be dispensed with.

Which was agreed to.

Mr. Hays obtained leave of absence, on account of sickness.

PETITIONS, MEMORIALS, CLAIMS, REMONSTRANCES, ETC.

By Mr. Ross,

A petition from sundry citizens of Miama county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Wilson,

A petition from sundry citizens of Pike county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. Black,

A petition from sundry citizens of Howard county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

By Mr. McFadin,

Sundry remonstrances in relation to the enactment of a prohibitory liquor law, from sundry citizens of the State.

Which were referred to the Committee on Temperance.

REPORTS OF STANDING COMMITTEES.

Mr. Pelle, from the Committee on the Organization of Courts, made the following report:

MR. SPEAKER:

The Committee, to whom was referred House bill No. 260—a

bill to amend an act fixing the time of holding Common Pleas Courts &c., in Jennings county—have had the same under consideration, and directed me to report the same back and recommend that it lie upon the table.

Which was concurred in.

Mr. Peelle, from the Committee on the Organization of Courts, made the following report:

MR. SPEAKER:

The Committee, to whom was referred House bill No. 272—a bill to create the Twenty-Second Common Pleas District &c.,—have had the same under consideration, and directed me to recommend its passage.

Which was laid on the table.

Mr. Ross, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred Senate bill No. 28—"entitled, an act to amend section 18 of an act entitled an act prescribing the powers and duties of Justices of the Peace in State prosecutions—have had the same under consideration, and authorize me to report the same back and recommend its passage.

Which was laid on the table.

Mr. Miller, by order of the House on yesterday, returned House bills Nos. 136 and 160.

Which under a previous order, were now recommitted to the Joint Committee on State prisons.

The Committee on Public Buildings obtained leave of absence during the day.

#### INTRODUCTION OF BILLS, RESOLUTIONS, ETC.

Mr. Prather introduced

Joint Resolution No. 14, a Joint Resolution for the relief of John P. Morrisson, late Treasurer of State.

Mr. Prather moved to refer said Joint Resolution to the Committee on Claims.

The question being on the motion to refer said Joint Resolution.

No quorum voting.

Mr. McFadin moved a call of the House.

It was so ordered.

The Clerk proceeded to call the roll, when the following gentlemen answered to their names:

Messrs. Barritt, Bird, Bischof, Black, Blanch, Brucker, Campbell, Carter, Corey, Craine, Crowe, Daggy, Danaldson, Dunn, Edmonson, Ervin, Evans, Ferris, Funk, Fuller, Gordon, Griggs, Higgins, Hopkins, Honneus, Hostetter, Hudson, Hungate, Inman, Kiser, Litson, Long of Kosciusko, Martin, Mason, McCarthy, McClasky, McFadin, McLean, McMurray, Miller, Moore, Morrison, Montgomery, Newcomb, North, Peelle, Prather, Ross, Sabin, Scammarhorn, Shanks, Shields, Shook, Shuey, Skidmore, Smith of LAGRANGE, Smith of Wabash, Spencer, Stackhouse, Stafford, Thacher, Thrasher, Thomas, Van Valkenburgh, Vawter, Williams, Wilson, White, Wolfe, Wolfer, Woods, Wright, and Mr. Speaker—72.

Mr. Fuller moved that the further call of the House be dispensed with.

Which was agreed to.

The question being on the motion to refer House joint resolution No. 14 to the Committee on Claims.

It was agreed to.

Mr. Fuller introduced

House bill No. 275. A bill to amend section 94 of an act entitled an act to amend sections 78, 79, 94, 95, 104, 142 and 143 of an act entitled an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of Township Assessors, and prescribing the duties of Assessors, Appraisers of real property,

County Auditors and Treasurers, and of the Treasurer and Auditor of State, approved June 21, 1852, and to repeal an act entitled an act to amend the 143d section of an act entitled, "An act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of Township Assessors, and prescribing the duties of Assessor and appraisers of real property, County Treasurers and Auditors, and of the Treasurer and Auditor of State," approved June 21, 1852; approved March 4, 1859; approved May 31, 1861.

Which was read a first time, and referred to the Committee on Ways and Means.

Mr. Fuller introduced

House bill No. 276. A bill to amend an act to amend section 124 of an act entitled "An act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of Township Assessors, appraisers of real property, County Treasurers and Auditors, and of the Treasurer and Auditor of State," approved June 21, 1852; which first above mentioned act was approved March 11, 1861.

Which was read a first time, and referred to the Committee on Ways and Means.

Mr. Fuller introduced

House bill No. 277. A bill to amend section 13 of an act entitled "An act to amend sections 123 and 136 of an act entitled an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of Township Assessors, and prescribing the duties of Assessors, Appraisers of real property, County Treasurers and Auditors, and the Treasurer and Auditor of State," approved June 21, 1852, and to repeal sections 138, 139 and 140 of said act, approved June 3, 1861.

Which was read a first time, and referred to the Committee on Ways and Means.

Mr. Montgomery introduced

House bill No. 278. A bill to amend the fourth paragraph of section 1 of an act entitled an act fixing the time of holding Cir-



cuit Courts in the several counties of this State, approved June 18, 1852.

Which was read a first time, and referred to the Committee on the Organization of Courts of Justice.

Mr. Stackhouse introduced .

House bill No. 279. A bill to provide for the sale of forfeited saline lands.

Which was read a first time, and referred to the Committee on Education.

Mr. McFadin offered the following resolution :

*Resolved*, That the use of this hall be granted to Major Wm. J Cullen, for the purpose of addressing the citizens of Indianapolis, on the subject of the Pacific Railroad and Montana Territory.

Which was agreed to.

Mr. Vawter introduced

Resolution No. 15, a Joint Resolution instructing our Senators and requesting our Representatives to favor a law permitting the States and municipal authorities to tax the currency of the country.

Which was read a first time, and referred to the Committee on Federal Relations.

Mr. Corey introduced

House bill No. 280. "A bill to fix the qualifications of teachers of common schools in the State of Indiana, and repealing all laws inconsistent therewith.

Which was read a first time, and referred to the Committee on Education.

Mr. Smith of Lagrange, introduced

House bill No. 281. "A bill regulating the fees of clerks of the Circuit and Common Pleas Courts, and supplemental to an act, regulating the fees of officers, and repealing former acts in relation thereto, approved March 2, 1855.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Thomas offered the following resolution :

*Resolved*, That the Committee on Roads be instructed to enquire into the propriety of so amending the laws relating to public highways, as to increase the width of county roads to forty feet, and authorize supervisors to remove the fences on the old State roads, when the same have been moved in, so as to reduce the width of said road below forty feet, and that they report by bill or otherwise.

Which was agreed to.

Mr. Peelle offered the following resolution :

*Resolved*, That R. O. Dormer, assistant clerk of the last House, be allowed two days service, and mileage now allowed to the members for assisting the organization of the present House of Representatives.

Which was referred to the Committee on Claims.

Mr. Douglass offered the following resolution :

*Resolved*, That the Committee on Temperance be authorized to employ an interpreter to translate the petitions offered by the gentleman from Cass.

Which was not agreed to.

Mr. White offered the following resolution :

*Resolved*, That a special committee of three be appointed by the Speaker to enquire into the propriety and necessity of providing by law for an inspection of petroleum, and guarding the public against the imposition of the sale of an impure article of the same, and providing penalties adequate to the emergency, and report by bill or otherwise.

Which was agreed to.

Mr. Wolfer offered the following resolution :

*Resolved*, That the Committee on Education be and they are hereby directed to enquire into the propriety and necessity of increasing the pay of school examiners.

Which was agreed to.

Mr. Hamilton introduced

House bill No. 282. "A bill to organize a system for the promotion of immigration to the State of Indiana.

Which was read a first time, and referred to the Select Committee on Emigration.

Mr. McFadin offered the following resolution :

*Resolved*, That there shall be no smoking in this Hall during the session of the House, and that the Doorkeeper be instructed to see that the foregoing is strictly carried out.

Which was concurred in.

Mr. Campbell offered the following resolution :

*Resolved*, That the Committee on Fees and Salaries be instructed to inquire into the expediency of increasing the fees of the jurors of the regular panel in the Circuit and Common Pleas Courts of this State, and report by bill or otherwise.

Which was agreed to.

Mr. Evans, from the Committee on Engrossed Bills, by consent, made the following report :

MR. SPEAKER :

The Committee on Engrossed Bills, to whom was referred House joint resolution No. 11, have examined the same and ordered me to report it correctly engrossed.

## ORDERS OF THE DAY.

House bill No. 89, was taken up, read a third time, and informally passed over.

House bill No. 107. A bill to amend section 21 of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barritt, Bird, Bishop, Black, Brucker, Campbell, Corey, Crowe, Daggy, Danaldson, Dunn, Edmonson, Ervin, Evans, Funk, Gordon, Griggs, Hartman, Hamilton, Higgins, Hopkins, Honneus, Hostetter, Hudson, Hughes, Hungate, Inman, Kiser, Litson, Long of Jackson, Long of Kosciusko, Martin, McCarthy, McFadin, McLean, McMurray, Moore, Morrison, Montgomery, North, Peelle, Prather, Ross, Scammahorn, Shanks, Shields, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stackhouse, Thacher, Thrasher, Van Valkenburgh, Vawter, Williams, Wilson, White, Wolfe, Wolfer, and Woods—61.

Mr. Miller voting in the negative.

No quorum voting, the Speaker ordered a call of the House.

The following gentleman answered to their names :

Messrs. Barritt, Bird, Bishop, Black, Blanch, Brucker, Campbell, Carter, Corey, Crain, Crowe, Daggy, Danaldson, Dunn, Edmonson, Ervin, Evans, Ferris, Foulke, Funk, Fuller, Gordon, Griggs, Hamilton, Higgins, Honneus, Hostetter, Hudson, Hughes, Hungate, Inman, Kiser, Litson, Long of Kosciusko, Martin, Mason, McCarthy, McClasky, McFadin, McLean, McMurray, Miller, Moore, Morrison, Montgomery, Newcomb, North, Peelle, Prather, Ross, Sabin, Scammahorn, Shanks, Shields, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stackhouse, Stafford, Thacher, Thrasher, Van Valkenburgh, Vawter, Wason, Williams, Wilson, White, Wolfe, Wolfer, Woods, Wright, and Mr. Speaker—74.

On motion the further call of the House was dispensed with.

Mr. Campbell moved that the House do now adjourn.

Which was not agreed to.

The question being, shall House bill No. 107 pass ?

Those who voted in the affirmative were,

Messrs. Barritt, Bird, Bischof, Black, Blanch, Brucker, Camp-

bell, Carter, Corey, Crain, Crowe, Daggy, Danaldson, Dunn, Edmonson, Ervin, Evans, Ferris, Foulke, Funk, Fuller, Gordon, Griggs, Hamilton, Higgins, Hopkins, Honneus, Hostetter, Hudson, Hughes, Hungate, Inman, Kiser, Litson, Long of Kosciusko, Martin, Mason, McCarthy, McClasky, McFadin, McLean, McMurray, Miller, Moore, Morrison, Montgomery, Newcomb, North, Peelle, Prather, Ross, Sabin, Scammahorn, Shields, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stackhouse, Stafford, Thacher, Thrasher, Van Valkenburgh, Vawter, Wason, Wilson, White, Wolfe, Wolfer, Woods, and Wright—72.

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title to said bill?

It was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

House bill No. 48. A bill in relation to the change of public highways.

Was read a third time.

Mr. Higgins, by unanimous consent, moved to amend in the proper place by inserting "twenty days' notice."

Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barritt, Bird, Bischof, Black, Blanch, Brucker, Carter, Corey, Crain, Daggy, Danaldson, Dunn, Edmonson, Ervin, Evans, Ferris, Foulke, Funk, Fuller, Gordon, Griggs, Hamilton, Higgins, Hopkins, Honneus, Hostetter, Hudson, Hungate, Inman, Kiser, Litson, Long of Kosciusko, Martin, Mason, McCarthy, McClasky, McFadin, McLean, Miller, Moore, Morrison, Montgomery, Newcomb,

North, Peelle, Prather, Ross, Sabin, Scammahorn, Shanks, Shields, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stackhouse, Thacher, Thrasher, Van Valkenburgh, Vawter, Wason, Williams, Wilson, White, Wolfe, Wolfer, Woods Wright, and Mr. Speaker—71.

No one voted in the negative.

So the bill passed.

The question being, shall the title as read stand as the title to said bill?

It was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

House bill No. 63. A bill to amend section 11 of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barritt, Bird, Bischof, Black, Blanch, Brucker, Carter, Corey, Crain, Daggy, Danaldson, Dunn, Edmonson, Ervin, Evans, Ferris, Foulke, Funk, Fuller, Gordon, Hartman Hamilton, Higgins, Hopkins, Honneus, Hostetter, Hudson, Hughes, Hungate, Inman, Kiser, Litson, Long of Kosciusko, Martin, Mason, McClasky, McFadin, McLean, Miller, Moore, Morrison, Montgomery, Newcomb, Peelle, Prather, Ross, Sabin, Scammanorn, Shanks, Shields, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stackhouse, Stafford, Thacher, Thrasher, Van Valkenburgh, Vawter, Wason, Williams, Wilson, White, Wolfe, Wolfer, Woods, Wright, and Mr. Speaker—70.

No one voting in the negative.

So the bill passed.

The question being, shall the title, as read, stand as the title to said bill?

It was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

House bill No. 80. A bill to repeal an act approved March 6, 1865, entitled "An act authorizing supervisors of roads to remove fences standing near public highways and streams and watercourses, and to turn public roads and highways, on water courses to the rear of buildings, where such buildings stand too near the stream, to give room for said roads or highways, and assess damages for losses thereby.

Was read a third time.

Mr. Newcomb moved to recommit said bill to the Committee on Roads, with the following instructions:

So amend the bill as to give to give the County Commissioners a discretion to order the improvement specified, instead of making it obligatory upon them to do so.

Which was agreed to, and the bill was recommitted to the Committee on Roads.

House bill No. 91. "A bill vacating portions of highways located on county lines in therein specified."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barritt, Bird, Bischof, Black, Brucker, Campbell, Carter, Corey, Crain Crowe, Daggy, Danaldson, Douglass, Dunn, Edmonson, Ervin, Evans, Ferris, Foulke, Funk, Fuller, Gordon, Greene, Greer, Griggs, Hartman, Hamilton, Higgins, Hopkins, Honneus Hostetter, Hudson, Hughes, Hungate, Inman, Kiser, Litson, Long of Kosciusko, Martin, Mason, McCarthy, McClasky, McFadin, McMurray, Miller, Moore, Morrison, Montgomery, Newcomb, North, Pelle, Prather, Ross, Sabin, Scammahorn, Shanks, Shields,

Shuey, Skidmore, Smith of Lagrange, Spencer, Stackhouse, Stafford, Thacher, Thrasher, Thomas, Vawter, Wason, Williams, Wolfe, Wolfer, Woods, and Wright—73.

No one voting in the negative.

So the bill passed.

The question being, shall the title, as read, stand as the title to said bill?

It was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

House bill No. 99. "A bill to empower the Board of County Commissioners of the several counties of this State, to convey cemeteries to cities and incorporated towns."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barritt, Bird, Bischof, Black, Brucker, Campbell, Carter, Corey, Crain, Crowe, Daggy, Danaldson, Douglass, Dunn, Edmonson, Ervin, Evans, Ferris, Foulke, Funk, Fuller, Gordon, Greene Griggs, Hartman, Hamilton, Higgins, Hopkins, Honneus, Hostetter, Hudson, Hughes, Hungate, Inman, Kiser, Long of Kosciusko, Martin, Mason, McCarthy, McClasky, McFadin, McMurray, Moore, Morrison, Montgomery, Newcomb, O. Neil, North, Peelle, Prather, Ross, Scammahorn, Shanks, Shields, Shuey, Skidmore, Smith, of Lagrange, Smith of Wabash, Spencer, Stackhouse, Stafford, Thacher, Thrasher,, Van Valkenburgh, Vawter, Wason, Williams, Wilson, White, Wolfe, Woods, and Wright—73.

No one voting in the negative.

So the bill passed.

The question being, shall the title, as read, stand as the title to said bill?

It was agreed to.



*Ordered*, That the Clerk inform the Senate of the passage of said bill.

House bill No. 101. A bill to amend the act entitled "An act to amend the act entitled an act authorizing the construction of plank macadamized and gravel roads, and to empower the same to make sale of a portion of their roads," approved February 28, 1855.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barritt, Bird, Bischof, Black, Brucker, Campbell, Carter, Corey, Crain, Daggy, Danaldson, Douglass, Dunn, Edmonson, Ervin, Evans, Ferris, Foulke, Funk, Fuller, Gordon, Greene, Greer, Griggs, Hartman, Hamilton, Higgins, Honneus, Hudson, Kiser, Long of Kosciusko, Mason, McClasky, McFadin, McMurray, Miller, Moore, Morrison, Newcomb, O'Neil, North, Peelle, Prather, Ross, Sabin, Scammahorn, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Stafford, Thrasher, Thomas, White, Wolfe, Wolfer, Woods, Wright, and Mr. Speaker—59.

Those who voted in the negative were,

Messrs. Hostetter, Hughes, Inman, Litson, Martin, Montgomery, Shanks, Shields, Spencer, Stackhouse, Van Valkenburgh, Vawter, and Wilson—13.

So the bill passed.

The question being, shall the title as read stand as the title to said bill.

It was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

The Speaker announced the following Special Committee on Mr. White's resolution:

Messrs. White, Crain, and Hostetter.

House bill No. 148. A bill to amend the first section of an act entitled "an act for the protection of sidewalks in towns and villages, and for the preservation of shade trees planted along the same," approved March 3, 1859.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barritt, Bird, Bischof, Black, Blanch, Brucker, Campbell, Carter, Corey, Crain, Crowe, Daggy, Danaldson, Douglass, Dunn, Edmonson, Evans, Ferris, Foulke, Funk, Fuller, Geisendorf, Greene, Greer, Griggs, Hartman, Hamilton, Higgins, Hopkins, Honneus, Hostetter, Hudson, Hughes, Hungate, Inman, Kiser, Long of Kosciusko, Martin, Mason, McCarthy, McClasky, McFadin, McMurray, Miller, Moore, Morrison, Montgomery, Newcomb, O'Neil, North, Peele, Prather, Ross, Sabin, Scammahorn, Shanks, Shields, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stackhouse, Stafford, Thacher, Thrasher, Thomas, Van Valkenburgh, Vawter, Wason, Williams, Wilson, White, Wolfe, Wolfer, Woods, Wright, and Mr. Speaker—78.

No one voting in the negative.

So the bill passed.

Mr. Thomas moved to amend the title by adding the following words, to-wit:

"So as to protect sidewalks outside towns and villages."

Which was agreed to.

The title, as amended, was adopted.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

House bill No. 158. A bill in relation to the compounding and concealing of crimes and the compounding of prosecutions and prescribing penalties therefor.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barritt, Bird, Bischof, Black, Brucker, Campbell, Carter, Crowe, Douglass, Dunn, Edmonson, Ervin, Evans, Ferris, Foulke, Funk, Gordon, Greene, Greer, Griggs, Hartman, Hamilton, Higgins, Hopkins, Honneus, Hostetter, Hudson, Hughes, Hungate, Inman, Kiser, Long of Kosciusko, Martin, Mason, McCarthy, McClasky, McFadin, McMurray, Miller, Moore, Morrison, Montgomery, Newcomb, O'Neil, North, Prather, Ross, Rosser, Sabin, Scamahorn, Shanks, Shields, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stackhouse, Stafford, Thacher, Thrasher, Thomas, Van Valkenburgh, Vawter, Wason, Williams, Wilson, White, Wolfer, Woods, Wright, and Mr. Speaker—73.

Those who voted in the negative were,

Messrs. Daggy, Fuller, and Wolfe—3.

So the bill passed.

The question being, shall the title, as read, stand as the title to said bill?

It was so agreed.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

House bill No. 181. A bill to amend an act entitled "an act approved March 11, 1861, being to amend an act entitled an act authorizing county agricultural societies to purchase and hold real estate," approved February 7, 1855, and to authorize such societies to issue capital stock and confirm and ratify all purchases of real estate made by any agricultural and mechanical society under their by-laws, not exceeding eighty acres of land.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barritt, Bird, Bischof, Black, Brucker, Campbell, Corey,  
H. J.—32

Daggy, Danaldson, Douglass, Dunn, Edmonson, Ervin, Evans, Ferris, Foulke, Funk, Fuller, Greene, Greer, Griggs, Hartman, Hamilton, Higgins, Hopkins, Honneus, Hostetter, Hudson, Kiser, Long of Kosciusko, Mason, McCarthy, McClasky, McFadin, McMurray, Miller, Moore, Morrison, Montgomery, Newcomb, North, O'Neil, Peelle, Prather, Ross, Rosser, Sabin, Scammahorn, Shanks, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stackhouse, Stafford, Thacher, Thrasher, Thomas, Van Valkenburgh, Vawter, Wason, Williams, Wilson, White, Wolfe, Wolfer, Woods, Wright, and Mr. Speaker—72.

Mr. Hungate voting in the negative.

So the bill passed.

Mr. Newcomb moved to amend the title as follows:

“And to extend the benefits of said act to horticultural societies.”  
Which was agreed to.

The title, as amended, was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

House joint resolution No. 8, proposing an amendment to article 8 of the Constitution so as to enable cities and towns to levy taxes for the support of common schools,

Was read a third time.

Mr. Newcomb moved to make House joint resolution No. 8 the special order for the day at two o'clock this afternoon.

Which was agreed to.

On motion by Mr. Wilson, the House adjourned.

TWO O'CLOCK P. M.

The House met.

Elijah Newland, member elect from the county of Floyd, came forward, presented his credentials and was sworn into office by the Speaker.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of House Joint Resolution No. 8, proposing an amendment to article eight of the Constitution, so as to enable cities and towns to levy taxes for the support of common Schools.

Which was previously read.

Mr. McLean moved to recommit the resolution to the Committee on Education, with the following instructions :

That the Secretary of State be directed to give the proper notice of such proposed amendment to the Constitution and the manner of voting upon the same.

Mr. Wolfe moved to lay House Joint Resolution on the table.

Messrs. Newcomb and Wolfe demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Black, Carter, Chambers, Crowe, Danaldson, Dunn, Edmonson, Honneus, Hudson, Hughes, Hungate Inman, Kiser, Mason, Matthis, McFadin, Montgomery, Newland, Prather, Ross, Shanks, Shields, Smith of Wabash, Spencer, Thacher, Thrasher, Van Valkenburgh, Vawter, Williams, White, and Wolfe—31.

Those who voted in the negative were,

Messrs. Barritt, Bird, Bischof, Blanch, Brucker, Campbell, Corey, Crain, Daggy, Ervin, Evans, Ferris, Foulke, Funk, Fuller, Geisendorff, Greer, Griggs, Hamilton, Higgins, Hopkins, Hostetter, Long of Kosciusko, Martin, McCarthy, McClasky, McLean, McMurray, Miller, Moore, Morrison, Newcomb, North, Peelle, Rosser, Sabin, Scammahorn, Shook, Shuey, Skidmore, Smith of

Lagrange, Stackhouse, Stafford, Thomas, Wason, Wilson, Wolfer, Woods, Wright, and Mr. Speaker—49.

So the motion to lay on the table did not prevail.

The question being on the motion by Mr. McLean to recommit House Joint Resolution No. 8 to the Committee on Education.

It was agreed to.

### ORDERS OF THE DAY.

House bill No. 77 was read a third time, and informally passed over.

House bill No. 97. A bill to amend the second section of an act entitled "An act concerning the voluntary associations, and repeal former laws in reference thereto," approved February 12, 1855.

Was read a third time, and informally passed over.

House bill No. 177. A bill to amend the third section of an act repealing all general laws now in force for the incorporation of cities, providing for the incorporation of cities, prescribing their powers, rights and duties, and the manner in which they shall exercise the same and regulating other matters properly connected therewith, and repealing certain acts therein specified, approved December 20, 1865.

Was read a third time.

"The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barritt, Bischof, Black, Blanch, Brucker, Campbell, Carter, Chambers, Corey, Crowe, Daggy, Danaldson, Douglass, Dunn, Ervin, Evans, Ferris, Foulke, Funk, Fuller, Greer, Griggs, Hartman, Hamilton, Hopkins, Hostetter, Hudson, Hughes, Hungate, Inman, Kiser, Long of Kosciusko, Martin, McClasky, McFadin, McLean, McMurray, Moore, Morrison, O'Neil, North, Peelle, Prather, Rosser, Sabin, Scammahorn, Shook, Shuey, Skidmore, Smith of Wabash, Spencer, Stackhouse, Stafford, Thrasher, Thomas, Wason, White, Wolfer, and Mr. Speaker—60.

Those who voted in the negative were,

Messrs. Bird, Edmonson, Higgins, Honneus, Matthis, McCarthy, Miller, Montgomery, Newcomb, Newland, Ross, Shanks, Shields, Smith of Lagrange, Thacher, Van Valkenburg, Vawter, Williams, Wilson, Wolfer, Woods, and Wright—22.

So the bill passed.

The question being, shall the title, as read, stand as the title to said bill.

It was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

House bill No. 244. A bill districting the State for Judicial Circuits, and providing, that Judges and Prosecuting Attorneys of Circuits as heretofore existing shall be Judges and Prosecuting Attorneys of the Circuits in which the county where they reside is situate under this act, and providing for filling vacancies in said offices.

Was read a third third time.

Mr. Greene moved to postpone the further consideration of said bill until Tuesday next at 2 o'clock P. M.

Mr. Miller moved to lay the motion to postpone on the table.

Which was agreed to.

Mr. Woods moved to recommit said bill to the Special Committee on the re-districting the State for Judicial purposes, with the following instructions:

Put Sullivan county in the Twentieth instead of the Sixth Judicial Circuit.

Mr. Miller moved to lay the motion to recommit on the table.

Messrs. Woods and Wright demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barritt, Bird, Bischof, Black, Brucker, Carter, Chambers, Corey, Crain, Crowe, Douglass, Dunn, Edmonson, Greene, Honueus, Hostetter, Hungate, Inman, Martin, Matthis, McFadin, Miller, Moore, Morrison, Montgomery, Newland, O'Neil, Ross, Shanks, Shields, Stackhouse, Thacher, Thrasher, Van Valkenburgh, Vawter, Williams, White, Wolfe, and Wolfer—39.

Those who voted in the negative were,

Messrs. Blanch, Campbell, Daggy, Danaldson, Ervin, Evans, Ferris, Foulke, Funk, Fuller, Greer, Hartman, Hamilton, Higgins, Hopkins, Hudson, Hughes, Kiser, Long of Kosciusko, Mason, McCarthy, McClasky, McLean, McMurray, Newcomb, North, Prather, Rosser, Sabin, Scammahorn, Shooks, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stafford, Stewart, Thomas, Wason, Wilson, Woods, Wright, and Mr. Speaker—43.

So the motion to lay on the table did not prevail.

The question being on the motion by Mr. Woods to recommit said bill to the Special Committee on re-districting the State for Judicial purposes.

It was agreed to.

Mr. Prather offered the following additional instructions:

“Strike out Jennings county from the Seventeenth and add it to the First Judicial Circuit.”

Which was not agreed to.

Mr. White moved the following additional instructions to said Committee:

“Amend said bill by striking Hancock county from the Seventh District and uniting it to Marion county.”

Which was not agreed to.



Mr. Evans, from the Committee on Engrossed Bills, by consent made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills, to whom was referred House bills 96, 133, 145, and 130 have carefully examined the same and ordered me to report the same correctly engrossed.

House bill No. 77. A bill to increase the salaries of the Prosecuting Attorneys of the Sixteenth Judicial Circuit, and providing the manner of paying the same.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bird, Bischof, Black, Blanch, Brucker, Campbell, Carter, Crain, Crowe, Daggy, Danaldson, Douglass, Dunn, Edmonson, Ervin, Evans, Ferris, Foulke, Fuller, Greene, Greer, Griggs, Hartman, Hamilton, Higgins, Hudson, Hughes, Inman, Kiser, Martin, Mason, McCarthy, McClasky, McLean, Miller, Moore, Morrison, Newcomb, Newland, North, O'Neil, Peelle, Prather, Rosser, Sabin, Scammahorn, Shanks, Shook, Shuey, Skidmore, Smith of Wabash, Spencer, Stafford, Stewart, Thrasher, Thomas, Wason, Williams, Wilson, Wolfer, Woods, and Wright—62.

Those who voted in the negative were,

Messrs. Baker, Chambers, Funk, Honneus, Hungate, Matthis, McFadin, McMurray, Montgomery, Ross, Shields, Stackhouse, Thacher, Van Valkenburgh, Vawter, Wolfe, and Mr. Speaker—16.

So the bill passed.

Mr. Hughes moved to amend the title to said bill so that it shall read as follows:

A bill to increase the salaries of the Prosecuting Attorneys in the Criminal Circuit Courts, and providing for the payment of the increase out of the proper county treasury.

Which was agreed to.

The title, as amended, was then adopted.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

House joint resolution No. 11. A joint resolution instructing our Senators and requesting our Representatives in Congress to secure the passage of a law placing the surviving soldiers of the war of 1812, (who have not received any pension from the Government,) upon the pension rolls.

Was read a third time.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Barritt, Bird, Bischof, Black, Blanch, Brucker, Campbell, Carter, Chambers, Crain, Crowe, Daggy, Danaldson, Dunn, Edmonson, Ervin, Evans, Ferris, Foulke, Funk, Fuller, Greene, Greer, Griggs, Hartman, Hamilton, Higgins, Hopkins, Hostetter, Hudson, Hughes, Hungate, Inman, Kiser, Long of Kosciusko, Martin, Mason, Matthis, McCarthy, McClasky, McFadin, McLean, McMurray, Miller, Moore, Morrison, Montgomery, Newland, North, O'Neil, Peelle, Prather, Rosser, Sabin, Scammahorn, Shanks, Shooks, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stackhouse, Stafford, Stewart, Thacher, Thrasher, Thomas, Van Valkenburgh, Vawter, Wason, Williams, Wilson, White, Wolfe, Wolfer, Woods, Wright, and Mr. Speaker—79.

No one voting in the negative.

So the joint resolution passed.

The question being, shall the title, as read, stand as the title to said joint resolution?

It was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said joint resolution.

Mr. Morrison moved to reconsider the vote whereby the House laid the amendment to Senate bill No. 5 on the table.

Which was not agreed to.

House bill No. 96. A bill authorizing the Boards of Trustees of incorporated towns to establish fire limits, and to prevent the erection of wooden buildings within such limits.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barritt, Bischof, Black, Chambers, Daggy, Danaldson, Ervin, Evans, Ferris, Funk, Greer, Hartman, Hamilton, Hopkins, Hostetter, Kiser, Martin, Mason, McCarthy, McFadin, McLean, Miller, Moore, Morrison, Newcomb, North, Peelle, Prather, Rosser, Sabin, Scammahorn, Shields, Shook, Shuey, Skidmore, Smith of Wabash, Spencer, Stafford, Stewart, Van Valkenburgh, Vawter, Wason, Williams, Woods, Wright, and Mr. Speaker—46.

Those who voted in the negative were,

Messrs. Bird, Brucker, Campbell, Carter, Corey, Edmonson, Foulke, Griggs, Honneus, Hudson, Hungate, Inman, Long of Kosciusko, Matthis, McMurray, Newland, Shanks, Stackhouse, Thacher, Thrasher, Thomas, Wilson, Wolfe, and Wolfer—24.

So the bill failed to pass for want of a constitutional majority.

On motion by Mr. Black, the House adjourned.

WEDNESDAY MORNING, 9 o'clock, }  
February 13, 1867. }

The House met.

Mr. Bird moved that the reading of the Journal be dispensed with.

Which was not agreed to.

The Clerk proceeded to the reading of the Journal, when,

On motion by Mr. Van Valkenburgh, the further reading thereof was dispensed with.

PETITIONS, MEMORIALS, CLAIMS, ETC.

The Speaker laid before the House a petition from sundry citizens of Jackson county, asking for a registry law.

Which was read and referred to the Committee on Elections.

By Mr. Shook,

A petition from sundry citizens of Ripley county, in relation to the Morgan raid.

Which was read and referred to the Committee on Claims.

By Mr. Prather,

A petition from sundry citizens of the State, asking that they be remunerated for the loss of property by the Morgan raid.

Which was referred to the Committee on Claims without reading.

By Mr. Hostetter,

A petition from sundry citizens of Crawford county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. Chambers,

A petition from sundry citizens of Henry county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. Wilson,

A petition from sundry citizens of Pike county in relation to a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. McFadin,

A memorial from R. Schroeder, of Plymouth, Indiana, praying for the enactment of a law for the destruction of foxes, by giving a premium for each one destroyed.

Which was read and referred to the Committee on the Rights and Privileges of the Inhabitants of this State.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Ross, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 231—entitled an act to amend section 122 of Justice's act, have had the same under consideration, and authorize me to report the same back with one amendment, which is herewith reported, and when so amended, recommend its passage.

Which was laid on the table.

Mr. Daggy, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred Senate bill No. 17—in relation to amending the title of an act concerning

licenses to vend merchandise, &c.—have had the same under consideration, and directed that the same be reported back to the House with the recommendation that the same lie on the table.

The Committee are of the opinion that a law void because of defects in the title, can not be made valid by amending the title; but, at the same time, express the opinion that said law is valid, the substance of the title and the act being in relation to licenses.

Which was concurred in.

Mr. Daggy, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 259—a bill to amend the twenty-seventh section of an act entitled “an act defining felonies, and prescribing punishment therefor,” approved June 10, 1852—have had the same under consideration, and directed me to return the same, with the recommendation that it do pass.

Which was laid on the table.

Mr. Montgomery, from the Committee on the Organization of Courts, made the following report:

MR. SPEAKER:

The Committee on the Organization of Courts of Justice, to whom was referred House bill No. 278—entitled “an act to amend the fourth paragraph of an act entitled an act fixing the time of holding Circuit Courts in the several counties of this State,” approved June 18, 1852—have had the same under consideration, and instruct me to return the same herewith, and recommend the immediate passage thereof.

Which was laid on the table.

Mr. Bird, from the Committee on Rights and Privileges of the Inhabitants of this State, made the following report:

MR. SPEAKER:

The Committee on Rights and Privileges of the Inhabitants of this State, to whom was referred Senate bill No. 30, have had the same under consideration and direct me to report the same back to the House with the recommendation that it do pass.

Which was laid on the table.

Mr. Scammahorn, from the Committee on the Rights and Privileges of the Inhabitants of this State, made the following report:

MR. SPEAKER:

The committee to whom was referred House bill No. 208, having had the same under consideration, instruct me to report the same back to the House recommending the following amendments, and when so amended, that it do pass.

1st. Strike out the preamble.

2d. In the first section after the words "so killed" insert, "and for every hawk, twenty-five cents."

3d. Wherever the word "animals" occurs in the bill, insert thereafter, "and hawk."

4th. Amend the title to read as follows: "An act for the destruction of wild cats, foxes and hawks."

Which was laid on the table.

Mr. Geisendorff, from the Committee on Manufactures and Commerce, made the following report:

MR. SPEAKER:

The Committee on Manufactures and Commerce to whom was referred House bill No. 249, a bill to provide for the inspection of coal oil, petroleum oil, and mixture of coal and petroleum oils, and prescribing penalties for the violation thereof, have had the same under consideration and have directed me report said bill back to the House with the recommendation that it do pass.

Which was laid on the table.

Mr. Chambers, from the Committee on Corporations, made the following report:

MR. SPEAKER:

The Committee on Corporations, to whom was referred House bill No. 235—a bill to amend the 84th section of an act for the incorporation of cities—have had the same under consideration and have directed me to report the same back to the House and recommend its passage.

Which was laid on the table.

Mr. Brucker, from the Committee on Corporations, made the following report:

MR. SPEAKER:

The Committee on Corporations, to whom was referred House bill No. 121—an act providing for the incorporation of electric telegraph companies—have instructed me to recommend its passage without amendment.

Which was laid on the table.

Mr. Geisendorff, from the Committee on Public Buildings, made the following report:

MR. SPEAKER:

The Select Committee, to whom was referred Senate bill No. 158, have had the same under consideration and have directed me to report the same back to the House, with the recommendation that it be indefinitely postponed. I am also directed to report that in the opinion of said committee, it is inexpedient and impracticable at present to provide by law for the erection of a building upon grounds belonging to the State sufficient for the accommodation of the Supreme Court and State Offices, but would recommend that such provisions be made at the earliest practicable time. Messrs. W. P. & E. P. Gallop propose to lease to the State for a term of years, their building on the corner of Tennessee and Market streets, opposite the State House, and to create an additional room on said premises as a depository for stationery, records, &c., and to make such alterations in said building as will accommodate



the Supreme Court and State officers until such time as the State may erect a suitable building for such purposes. Said building is substantially built of brick, is three stories in height, stone foundation and cellar under the whole; contains four rooms on the ground floor, 18 by 20 feet; eight rooms on the 2d floor, 18 by 60 feet, and four rooms 10 by 13 feet; same number on the 3d floor. It is a strong and well built structure, and with such additions and alterations will amply accommodate the Supreme Court and State Offices. The price asked for the same, your committee deem very reasonable, inasmuch as there is a necessity existing to provide suitable rooms for the purposes aforesaid, and as said building can now be had, your committee would respectfully recommend the adoption of the following resolution:

*Resolved by the House of Representatives* (the Senate concurring,) That the Auditor of State be, and he is hereby authorized and instructed to lease from Messrs. W. P. & E. P. Gallop, their building on the corner of Tennessee and Market streets, in the City of Indianapolis, for the term of six years, at a sum not exceeding four thousand dollars (\$4,000) per annum, providing in said lease, that the State may have the privilege of relinquishing said premises at any time before the expiration of the time of said lease, after two years from the date thereof, and that the State offices be removed to said building at the earliest practicable time.

All of which is respectfully submitted.

INDIANAPOLIS, February 8, 1867.

*Gentlemen of the House of Representatives of the State of Indiana:*

The undersigned respectfully submits the following propositions for leasing or selling the herein described property:

#### PROPOSITION FOR LEASING.

I propose to lease, for State offices, the six rooms—first story—in the block on the southeast corner of Illinois and Ohio streets and Indiana avenue, on the following terms, viz: Lease to run ten years, and renewable at the pleasure of the State, and rent readjustable at each renewal; annual rent during said ten years, \$5,500, payable yearly; or for an annual rent of \$7,000 during same time, I will provide, in addition, three suitable vaults, viz:

One fire and burglar proof vault for Treasurer's office; one fire proof vault for Auditor's office, and one fire proof vault for Secretary's office. These six rooms constitute the first story fronting on Illinois street; are respectively 20 feet wide, 90 feet long, and 14 feet high, and will accommodate the offices of Treasurer, Auditor, Secretary, Adjutant General, and Superintendent of Public Instruction. For an additional sum of \$2,000, I will also lease the second story, front building, to be completed October 1, 1867, and to contain the following rooms, viz: A Supreme Court room, 40 by 60 feet; Law Library room, 40 by 40 feet; five rooms 20 by 40 feet, and two rooms, 20 by 20 feet; that is, four rooms for the Judges, two rooms for Supreme Clerk's office, and one room for Attorney General. Hight of second, 16 feet in the clear.

#### PROPOSITION FOR SALE.

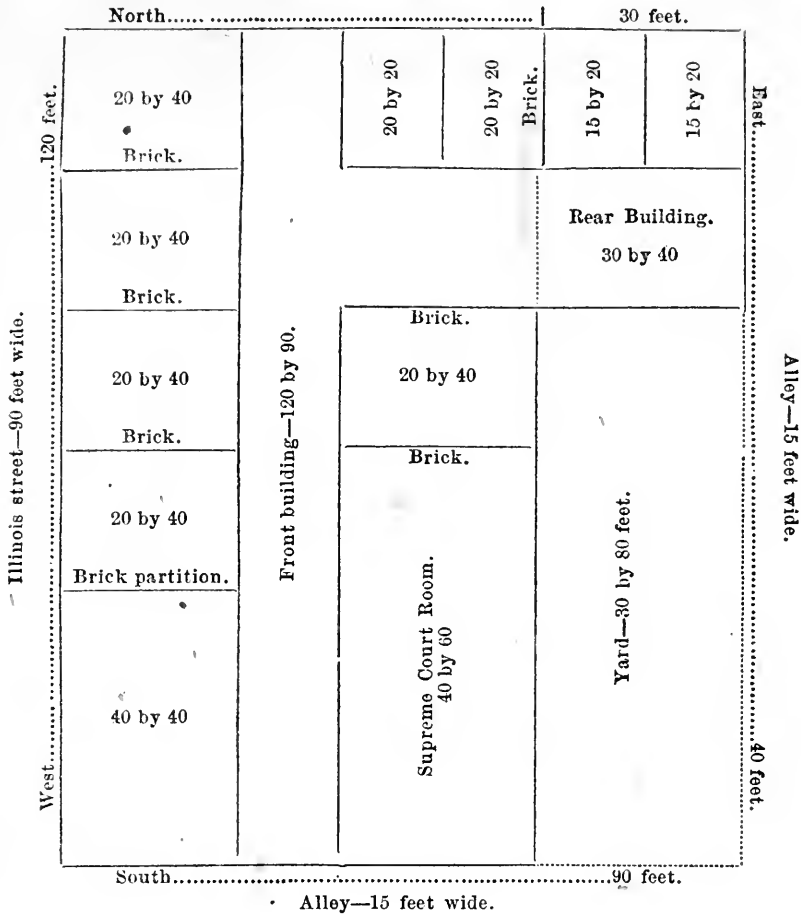
The ground and block, as now completed, I propose to sell to the State on the following terms, viz: \$50,000, in part payment of which sum, I will take the State's lot on the southwest corner of Washington and Tennessee streets, at \$20,000. The ground proposed for sale is 120 feet front by 120 feet deep; is a square by itself, detached from all private property by streets and alleys. The building is 120 feet on Illinois street, 80 feet of which is 90 feet deep, and the remaining 40 is 120 feet deep, with a yard 30 by 80 feet, containing a well, &c.; has a superior stone foundation, and cellar under the whole; brick partitions thirteen inches thick, and outside walls from two to three feet in thickness. The State could add a second story, containing the rooms above described in the front building, and four rooms, 15 by 20 feet, in the rear building; and, when it is concluded to erect a new State House, a third story could be added, containing two halls—one 60 by 90 feet, and one 60 by 80 feet for the Legislature. The block, therefore, when thus completed, would accommodate the General Assembly, Supreme Court, Judges, &c., and all the State offices. For an additional sum of \$15,000, I propose to sell the ground and block, including the second story aforesaid, to be built according the plans and specifications herewith submitted. During the next ten years the residue of our square will be built up with fine business blocks, and thus enable the State, when she wishes to sell the same, to realize more than her original outlay.

Respectfully submitted,

GEORGE W. MILLER.

## PLAN OF SECOND STORY—FIFTEEN FEET IN HIGHT.

Ohio street—90 feet wide.



Full plan and specifications of second story will be submitted when desired.

Which was laid on the table.

Mr. Campbell, from the Committee on Public Expenditures, made the following report:

MR. SPEAKER :

The Committee on Public Expenditures, to whom was referred the following resolution of the House, to wit:

*Resolved*, That the Auditor of State be required to report to this House at as early a day as practicable, the aggregate annual amount of appropriations made and drawn from the treasury of State to defray the expenses of the Executive of State, Secretary

hire and all contingencies and incidentals connected with the office and mansion of His Excellency, the Hon. O. P. Morton, during the entire period of his term of office as Governor of the State of Indiana. Also, the deficiency, if any, to be provided for by future legislation."

Beg leave to report.

We find, upon examination, that all expenditures made by or through the Executive Department under the administration of Oliver P. Morton, late Governor, up to January 1865, were investigated, and reported upon by the proper committees appointed by the various Legislatures convened during his term, and by other special committees appointed for the purpose, (see House Journal 1865, pages 219, 245, 492, 375, and Documentary Journal, 1865, part ii, page 523,) all of which reports show that the accounts have been faithfully and correctly kept.

But inasmuch as the resolution directs a re-investigation of these matters, so far as relates to expenses of the Executive office and mansion, we have taken pains to go over the whole ground for the last six years, during which time Mr. Morton held the office of Governor, and as the result of our labors and investigation, we submit the following statement made up from the official records in the office of the Auditor of State, and certified to by that officer, to-wit:

YEAR.	OFFICE.	HOUSE.	TOTAL.
1861.....	\$3,760 00	\$2,095 65	\$5,855 65
1862.....	4,575 00	2,509 27	7,084 27
1863.....	7,166 89	1,356 73	8,523 52
1864.....	10,701 53	1,583 91	12,285 42
1865.....	8,795 00	5,000 00	13,795 00
1866.....	8,966 30	5,000 00	11,882 96
	\$43,964 72	\$17,545 56	\$61,510 28

OFFICE OF AUDITOR OF STATE, }  
February 11, 1867.

"This is to certify that the above is correct, as shown by the books in my office.

T. B. McCARTY, *Auditor of State.*"

It has been shown by testimony adduced and laid before the committee, that the expenses of the Governor's office were greatly increased on account of the war. In fact, prior to the war there was very little expense connected with said office. The war, however, brought heavy and continuous labors upon the Executive, requiring the assistance of a large force of competent secretaries and clerks, and the expenditure of considerable money for stationery, office furniture, and other indispensable incidentals. The secretaries and clerks were paid fair and liberal salaries for their services, and we have been unable to discover, in any case, that any unnecessary expense was incurred.

An extra item of expense usually provided for in the regular Legislative appropriations for the entire State House, was paid, upon the order of the Governor, for the coal and wood used in 1863 and 1864, and the same forms a part of the amount above charged, as Governor's office expenses.

Of the \$17,545.56 charged as expenses of Governor's house, \$7,545.56 was paid for necessary repairs, re-furnishing, and other proper items, as authorized by law.

It is well known that the mansion belonging to the State, occupied by the Governor during the years 1861, 1862, 1863, and 1864, was old and dilapidated, and that to make it at all inhabitable, not to say respectable, it required extensive repairs, and much of the furniture, which likewise was supplied by the State, also had to be renewed or repaired. The balance of the amount charged to the account of the Governor's house, being \$10,000, was appropriated to the Governor by the act of February 25, 1865, in lieu of furnishing him a residence for the years 1865 and 1866, the old mansion having been sold for the benefit of the State. This appropriation, under the law, is continuous until such time as the State may provide a suitable residence for the Governor.

In investigating these matters, we have discovered nothing at all prejudicial to the late Governor; on the contrary, taking into consideration the facts and circumstances of the times by which he

was surrounded, the high prices which prevailed during the war, the great amount of business transacted through his office and its various departments, we are free to say that the expenses are not unreasonable. But as the purpose of the resolution is evidently to lay the ground-work for party capital, we deem it not improper to submit a few additional facts having a bearing on this subject, which, in the course of this investigation, have been brought to our attention.

In 1861, when our first troops were organized, it was found impossible to procure for them any suitable ammunition, and to meet this want, Governor Morton, acting solely upon his own responsibility, and without the authority of law, started a small laboratory for the fabrication of cartridges for the use of our own troops. This was a military necessity, and subsequently proved to be of very great benefit to the General Government, as well as to the State.

What at first was a very small concern, and intended only as a temporary aid to the Government, gradually grew into an extensive establishment, and so important were its operations, and so superior the ammunition in quality, that the Secretary of War recognized it as a most valuable "War Measure," and it was continued on a large scale until the 18th of April, 1864, when, with the consent of the War Department, it was finally closed.

The entire operations of the Arsenal amounted to \$791,652.34, which was fully adjusted and paid by the General Government.

Upon a final settlement, and after a full, thorough and searching examination by the Military Auditing Committee of every transaction connected with the Arsenal, it was found that the business had been transacted in an honest and economical manner, and while the ammunition manufactured was of a superior character, and furnished at a less price than the Government usually paid on contract, there remained, after refunding to the State Treasury every dollar that had been drawn from it, a clear balance in cash in favor of the State of \$71,380.01.

Besides, the State retained tools for fabricating ammunition valued at \$4,002.44, and ammunition for the use of the militia valued at \$2,074.87, making a gross profit of \$77,457.32, enough to pay the entire expenses of the Executive of the State, Secretary hire, all contingencies and incidentals connected with the office and

mansion of Governor Morton for the past six years, and still leave a balance in the State's favor of \$15,947.04.

If he had retained the cash thus realized, no law could have ever reached it, but it was promptly and fully accounted for, and is the first instance, we apprehend, where the State ever realized a cent of profit from any transaction of a similar character. Had the arsenal been a failure, the Governor, acting on his own responsibility and outside of law, might have been held personally liable for the deficit; or had it entailed loss upon the State the blame would undoubtedly have attached to him, but as it proved to be the source of a handsome profit to the State, we submit that it is but fair to give the Governor, in this investigation, the benefit of it.

The committee attach hereto, and make part hereof, a communication received from the Hon. Thomas B. McCarty, Auditor of State, with reference to the resolution which is the subject matter of this report, from which it appears that the vouchers on file in his office for expenditures on account of Governor's house and office prior to January 25, 1865 of Governor Morton's term, have been examined by the proper Legislative committees.

STATE OF INDIANA,  
OFFICE AUDITOR OF STATE,  
Indianapolis, Jan. 31, 1867. }

HON. L. M. CAMPBELL:

*Chairman Committee on Public Expenditures:*

SIR:—In regard to the resolution offered in the House of Representatives and referred to your committee, relative to the expenditures on account of the Governor's house and the contingent and incidental expenses of the Governor's office during the entire term in which Hon. O. P. Morton occupied the gubernatorial chair, I desire to state that vouchers for all the expenses contemplated by the resolution are on file in this office, and that each separate voucher, prior to January 25, 1865, was examined and passed upon by the proper Legislative Committee. Vouchers for each item of expenditure during the last two years are subject to the inspection and investigation of the appropriate committee, which, I doubt not, they will receive at an early day.

Very respectfully,

T. B. McCARTY,  
*Auditor of State.*

The Committee, in the discharge of their duties, will further examine and pass upon all expenditures during the last two years, and beg leave to suggest that the resolution referred to them be laid upon the table; and they asked to be discharged from the further consideration of the same.

L. M. CAMPBELL,  
S. C. SABIN,  
E. D. HARTMAN,  
JAMES McMURRAY,  
JOHN E. GREER.  
*Committee.*

Mr. Montgomery moved that the further reading of said report be dispensed with.

Which was not agreed to.

Mr. Van Valkenburg moved to lay the report on the table and that 300 copies thereof be printed in pamphlet form.

Mr. Spencer moved to lay the motion to print on the table.

Messrs. Van Valkenburg and Honneus demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Chambers, Crain, Dunn, Ervin, Ferris, Funk, Geisendorff, Greer, Higgins, Kiser, Litson, Long of Kosciusko, Mason, McClasky, McLean, Moore, Newcomb, Peelle, Sabin, Shook, Shuey, Skidmore, Smith of Wabash, Spencer, Stackhouse, Stafford, Stewart  
—27.

Those who voted in the negative were,

Messrs. Barritt, Belford, Bird, Bischof, Black, Blanch, Brucker, Campbell, Carter, Corey, Crowe, Daggy, Danaldson, Edmonson, Evans, Foulke, Fuller, Gordon, Greene, Griggs, Hartman, Hamilton, Honneus, Hostetter, Hudson, Hungate, Inman, Martin, Matthis, McCarthy, McFadin, Miller, Morrison, Montgomery, Prather, Ratliff, Ross, Rosser, Scammahorn, Shields, Smith of Lagrange, Thacher, Thrasher, Thomas, Van Valkenburgh, Vawter, Wason,



Watson, Williams, Wilson, White, Wolfe, Wolfer, Woods, Wright, and Mr. Speaker—56.

So the motion by Mr. Spencer to lay the motion to print on the table, did not prevail.

The question being on the motion by Mr. Van Valkenburg, to print 300 copies of said report.

Mr. Hughes offered the following amendment: *Provided, That* the State Printer is required to print said report and lay the same before the members in six days from this time. Otherwise the printing of the same is not to be paid for the State.

Which was accepted by Mr. Van Valkenburg.

The question being on the motion to print as amended by Mr. Hughes.

Messrs. Van Valkenburg and Honneus demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barritt, Bird, Black, Blanch, Brucker, Campbell, Corey, Crain, Crowe, Daggy, Danaldson, Douglass, Edmonson, Ervin, Evans, Ferris, Foulke, Funk, Fuller, Geisendorff, Gordon, Greene, Greer, Griggs, Hartman, Hamilton, Hopkins, Honneus, Hostetter, Hudson, Hughes, Hungate, Inman, Kiser, Litson, Long of Kosciusko, Martin, Mason, Matthis, McCarthy, McClasky, McFadin, McLean, Miller, Morrison, Montgomery, Newcomb, O'Neil, North, Peelle, Prather, Ratliff, Ross, Rosser, Sabin, Shanks, Shields, Skidmore, Smith of Lagrange, Thacher, Thrasher, Thomas, Van Valkenburgh, Vawter, Wason, Williams, Wilson, White, Wolfe, Wolfer, Woods, and Wright—72.

Those who voted in the negative were,

Messrs. Belford, Bischof, Chambers, Dunn, Higgins, Moore, Newland, Scammahorn, Shook, Shuey, Smith of Wabash, Spencer, Stackhouse, Stafford, Stewart, Watson, and Mr. Speaker—18.

So the motion to print prevailed.

Mr. Daggy, from the Select Committee on the Organization of Courts, made the following report :

MR. SPEAKER :

The Select Committee of one from each Judicial Circuit of the State of Indiana, to whom was referred House bill No. 244, on the subject of redistricting said State into Judicial Circuits, have had the same, with the instructions, under consideration, and a majority of said committee have directed me to return the same with instructions to recommend the passage of the bill, when so amended as instructed by striking Sullivan county from the Sixth Circuit and adding it to the Twentieth Circuit.

The question being on concurring in the report.

Mr. Morrison moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on concurring in the report of the committee.

It was agreed to.

House bill No. 244. A bill districting the State for Judicial purposes, and providing that Judges and Prosecuting Attorneys of circuits, as heretofore existing, shall be Judges and Prosecuting Attorneys of the circuits in which the county where they reside is situate under this act, and providing for filling vacancies in said offices.

Was read a third time.

The question being, shall said bill pass ?

Those who voted in the affirmative were,

Messrs. Barritt, Belford, Bischof, Blanch, Brucker, Campbell, Chambers, Crain, Crowe, Daggy, Danaldson, Dunn, Ervin, Evans, Ferris, Funk, Geisendorff, Gordon, Greer, Griggs, Hartman, Ham-

ilton, Hopkins, Litson, Long of Kosciusko, Martin, Mason, McLean, Miller, Moore, Morrison, Newcomb, Peelle, Prather, Ratliff, Ross, Rosser, Sabin, Shook, Shuey, Skidmore, Smith of Lagrange, Spencer, Stafford, Stewart, Thomas, Vawter, Wason, Watson, Woods, and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Bird, Black, Carter, Corey, Edmonson, Fuller, Higgins, Honneus, Hostetter, Hughes, Hungate, Inman, Kiser, Matthis, McCarthy, McClasky, McFadin, Montgomery, Newland, North, Scammahorn, Shanks, Shields, Smith of Wabash, Stackhouse, Thacher, Thrasher, Van Valkenburgh, Williams, Wilson, White, Wolfe, Wolfer, and Wright—32.

So the bill passed.

Mr. Woods moved to amend the title of said bill as follows:

Strike out "in which the county where they reside is situate under this act," and insert in lieu thereof, "for which they were severally elected."

Which was agreed to, and the title as amended passed.

*Ordered*, That the clerk inform the Senate of the passage of said bill.

Mr. White, from the Special Committee, made the following report:

MR. SPEAKER:

The Special Committee, to whom was referred House resolution No. — on the subject of petroleum, have had the same under consideration and directed me, in compliance thereto, to report the accompanying bill and recommend its passage.

Which was laid on the table.

Mr. McMurray obtained leave of absence on account of sickness.

House bill No. 96. A bill authorizing the Board of Trustees of incorporated towns to establish fire limits, and to prevent the erection of wooden buildings within such limits.

Was taken up, the same having previously failed to pass for want of a constitutional majority.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Belford, Bird, Bischof, Black, Brucker, Chambers, Corey, Daggy, Danaldson, Dunn, Ervin, Evans, Ferris, Funk, Fuller, Geisendorff, Gordon, Greer, Hartman, Hamilton, Higgins, Hopkins, Hostetter, Hughes, Kiser, Litson, Martin, Mason, McCarthy, McLean, Miller, Moore, Morrison, Newcomb, Newland, North, Peelle, Prather, Ratliff, Ross, Rosser, Sabin, Shields, Shook, Shuey, Skidmore, Spencer, Stafford, Stewart, Van Valkenburgh, Vawter, Wason, Watson, Williams, Wolfer, Woods, and Mr. Speaker—58.

Those who voted in the negative were,

Messrs. Crowe, Edmonson, Foulke, Griggs, Honneus, Hudson, Hungate, Inman, Matthis, McFadin, Montgomery, Scammahorn, Shanks, Smith of Lagrange, Smith of Wabash, Stackhouse, Thacher, Thrasher Thomas, Wilson, Wolfe, and Wright—22.

So the bill passed.

The question being, shall the title as read stand as the title to said bill?

It was agreed to.

*Ordered*, That the clerk inform the Senate of the passage of said bill.

The Speaker laid before the House the following communication from the State Librarian:

OFFICE OF STATE LIBRARIAN, }  
INDIANAPOLIS, February 13, 1867. }

*To the Members of the House of Representatives:*

GENTLEMEN:—You will pardon the liberty I take in addressing

you this communication. Since my connection with the Library Department, my integrity has never been questioned, or the least suspicion entertained as to the economical manner in which all purchases have been made, and I was surprised when informed of the nature of the discussion on yesterday upon the proposition to increase my salary, and I feel that it is due to myself, as well as to Messrs. Merrill & Co., that I should make a statement in regard to the purchase of stationery, etc. In all my contracts for the State, I have acted upon the principle that a State should pay no more than individuals, and have invariable endeavored to purchase all articles at the lowest possible rates. My reason for patronizing Messrs. Merrill & Co., is because I knew the firm to be intensely loyal. Colonel Merrill served his country in the field for three years, was with Sherman in his march to the sea, and closed his career with the termination of the war. Where I can patronize such firms and obtain articles as low as they can be purchased elsewhere, I do so. By comparing the bills with other bills purchased under previous administrations, you will find them at least twenty per cent. lower. I am aware that an outside pressure has been brought to bear upon my Department, on the part of other firms, but I have resisted all such influences where I thought the interests of the State would be in the least compromised. By referring to the Auditor's books, as well as those of the Library, it will be seen that I have saved the State during the two years of my official connection with it, several thousand dollars. In the single purchase of fuel I have saved twice the amount asked as an increase of salary. I have thought it proper to make the foregoing statement as a personal explanation due to those who so generously supported me for a re-election to my office, as well as to my Democratic friends, for whom I entertain personally none other than the kindest feelings. Hoping that you will appreciate the feeling that has prompted the foregoing communication, I am, as ever,

Yours truly,

B. F. FOSTER,  
*State Librarian.*

Mr. Hughes, by consent, offered the following resolution :

*Resolved*, That the Standing Committee on Temperance are hereby instructed to report a bill on Temperance without delay,

and for that purpose they have leave to sit while the House is in session, and to report at any time.

Which was referred to the Committee on Temperance.

Mr. Peelle, by consent, introduced

House bill No. 283. A bill to prevent public drunkenness and to prescribe penalties therefor.

Which was read a first time and referred to the Committee on Temperance.

Mr. Daggy, by consent, offered the following resolution:

*Resolved*, That the Clerks and employees of this House, who have served in the army for the suppression of the late rebellion, be voted each a copy of each volume of the Adjutant General's Report, and the State Librarian is hereby authorized to furnish them with the same, upon proof of their service in the army as aforesaid.

Mr. McFadin moved to amend by "giving all the employees in this House a copy."

Which was not agreed to.

Mr. Miller moved to amend by inserting after the words "Adjutant General's Report," "that one copy be distributed to each soldier in Indiana who has been honorably discharged."

Mr. Newcomb moved to lay the resolution with amendments on the table.

Messrs. Chambers and Litson demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Belford, Black, Blanch, Carter, Corey, Crain, Crowe, Dunn, Ferris, Foulke, Funk, Fuller, Gordon, Hamilton, Hughes, Inman, Martin, Mason, Matthis, McLean, Miller, Moore, Morrison, Newcomb, Newland, Peelle, Ratliff, Shanks, Shields, Shook, Smith of Wabash, Spencer, Stafford, Thacher Thrasher, Vawter, Watson, Williams, White, Wolfe, Wright, and Mr. Speaker—42.

Those who voted in the negative were,

Messrs. Barritt, Bischof, Brucker, Campbell, Chambers, Daggy, Danaldson, Edmonson, Ervin, Evans, Geisendorff, Greer, Griggs, Hartman, Hopkins, Honneus, Hostetter, Hudson, Hungate, Kiser, Litson, Long of Kosciusko, McCarthy, McClasky, McFadin, Montgomery, North, Prather, Ross, Rosser, Sabin, Scammahorn, Shuey, Skidmore, Smith of Lagrange, Stackhouse, Stewart, Thomas, Wason, and Wolfer—41.

So the motion to lay on the table prevailed.

Mr. Van Valkenburg obtained leave of absence for one week.

Mr. Stewart, by consent, introduced

House Joint Resolution No. 16, a Joint Resolution vacating a highway near the Asylum for the deaf and dumb, authorizing the Trustees of said Institution to resume possession of the land over which the same runs.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. White, by consent, introduced

House bill No. 284. A bill to prohibit the sale, for burning purposes, of coal oil, in the State of Indian, at a lower fire-test than one hundred and ten degrees, and prescribing the penalties therefor.

Which was read a first time, and made the special order for Saturday next at 10 o'clock A. M.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following Engrossed Senate bill thereof, to-wit:

Senate bill No. 4, entitled an act to establish a home for the maintainance of sick and disabled Indiana soldiers, in which the concurrence of the House is respectfully requested.

Mr. Higgins, by consent, offered the following resolution :

*Resolved*, That after Saturday next this House will refuse the introduction of any more bills, unless they are introduced by some standing or select committee.

Mr. Thacher moved to lay the resolution on the table.

Which was agreed to.

Mr. Evans, from the Committee on Engrossed bills, made the following report :

MR. SPEAKER :

The Committee on Engrossed Bills, to whom was referred House bill No. 159, have examined the same and ordered me to report it correctly engrossed.

Mr. Miller moved to take up House bill No. 25.

Which was not agreed to.

### ORDERS OF THE DAY.

Senate bill No. 4. A bill to establish a home for the maintenance of sick and disabled Indiana soldiers.

Was read a first time, and referred to the Committee on Military Affairs.

On motion by Mr. Shields, the House adjourned.



TWO O'CLOCK P. M.

The House met.

### ORDERS OF THE DAY.

Senate bill No. 28 was read a second time and passed to a third reading.

Senate bill No. 5. A bill to amend an act entitled an act to amend an act entitled "an act to fix the amount of the salary of the State Librarian, and repealing all former laws conflicting therewith, and to dispense with an assistant librarian and clerk," approved March 4, 1859, and also increasing the powers and duties of the State Librarian, approved December 20, 1865.

Was read third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bischof, Black, Brucker, Chambers, Crain, Crowe, Daggy, Danaldson, Douglass, Dunn, Evans, Ferris, Funk, Geisendorff, Gordon, Griggs, Hartman, Hamilton, Higgins, Hopkins, Honneus, Hostetter, Hudson, Kiser, Litson, Long of Kosciusko, Martin, Mason, McCarthy, McClasky, McLean, Moore, Newcomb, North, O'Neil, Pelle, Prather, Ratliff, Sabin, Scammahorn, Shook, Skidmore, Smith of Wabash, Spencer, Stewart, Thrasher, Thomas, Vawter, Wason, Watson, Wolfer, Woods, Wright, and Mr. Speaker—57.

Those who voted in the negative were,

Messrs. Bird, Carter, Edmonson, Fuller, Hungate, Inman, Matthis, McFadin, Ross, Shanks, Shields, Stackhouse, Thacher, Van Valkenburgh, Williams, and Wolfe—16.

So the bill passed.

The question being, shall the title, as read, stand as the title to said bill?

It was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

Mr. Evans, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills, to whom was referred House bills No. 50, 51, 54, and joint resolution No. 10, have carefully examined the same, and ordered me to report the same correctly engrossed.

House bill No. 54. A bill concerning the organization and perpetuity of voluntary associations, and repealing an act entitled "an act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855, and repealing each act repealed by said act, and authorizing gifts or devises by will to be made to any corporation or purpose contemplated by this act.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barritt, Bird, Bischof, Black, Blanch, Brucker, Campbell, Carter, Chambers, Corey, Crowe, Crain, Daggy, Danaldson, Douglass, Dunn, Edmonson, Ervin, Evans, Ferris, Foulke, Funk, Geisendorff, Gordon, Greene, Greer, Griggs, Hartman, Hamilton, Higgins, Hopkins, Honneus, Hostetter, Hudson, Hughes, Hungate, Inman, Kiser, Litson, Long of Kosciusko, Martin, Mason, McCarthy, McClasky, McFadin, McLean, Miller, Moore, Morrison, Montgomery, Newcomb, Newland, North, O'Neil, Peelle, Prather, Ratliff, Ross, Rosser, Sabin, Scammahorn, Shanks, Shields, Shook, Skidmore, Smith of Wabash, Spencer, Stackhouse, Stafford, Stewart, Thacher, Thrasher, Thomas, Van Valkenburgh, Vawter, Wason, Watson, Williams, Wilson, White, Wolfe, Wolfer, Woods, Wright, and Mr. Speaker—85.

No one voting in the negative.

So the bill passed.

The question being, shall the title, as read, stand as the title to said bill?

It was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

House bill No. 59. A bill to amend sections two and twenty-three of an act entitled "an act for the incorporation of insurance companies, defining their powers, and prescribing their duties," approved June 17, 1852.

Was taken up and laid on the table.

House bill No. 89. A bill to provide for the construction of sewers within incorporated towns, defining the powers and duties of Boards of Town Trustees in relation thereto, and to repeal all other laws in conflict therewith.

Was taken up and laid on the table.

House bill No. 97. A bill to amend the second section of an act entitled "an act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855.

Was read a third time and laid on the table.

Mr. O'Neil, from the Committee on the Organization of Courts of Justice, made the following report:

MR. SPEAKER:

The Committee on the Organization of Courts of Justice, to whom was referred House bill No. 151, have had the same under consideration, and direct me to report that they approve the subject matter of said bill, but having some doubts as to the efficiency of the same, on account of the phraseology of said bill and its title, said Committee recommend that said bill be laid on the table, and they herewith present a bill as a substitute therefor, embracing the same subject, entitled House bill No. —, and recommend its passage:

An act to amend section thirteen of an act, approved March 9, 1861, entitled "an act to amend the thirteenth and fourteenth sec-

tions of an act entitled an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.

*Be it enacted by the General Assembly of the State of Indiana,* That the thirteenth section of an act, the title whereof is recited above, and which said section reads as follows, to-wit:

"Section 13. No person, who is a resident of any township in this State, shall be sent out of said township, except as specified in the above mentioned acts, unless said suit is commenced by a *capias ad respondendum*, or when there shall be no Justice competent in such township," be and the same is hereby amended so as to read as follows, to-wit:

Section 13. No person, who is a resident of any civil township of any county of this State, shall be compelled to answer any civil action out of the township wherein he resides, or the township of such county wherein the contract upon which the action is based was entered into, or the course of action accrued, or the township wherein the defendant agreed to perform or fulfill the obligations of the contract upon which the action is based, except as otherwise provided by law, unless said suit is commenced by a *capias ad respondendum*, or when there shall be no Justice in such township competent to act.

Inasmuch as an emergency exists for the immediate taking effect of this act, it shall therefore be in force from and after its passage.

Mr. Miller moved to strike out all after the enacting clause of the original bill and insert the foregoing substitute as an amendment to said original bill.

Which was agreed to.

The report and bill was laid on the table.

House bill No. 71. A bill to amend the nineteenth section of an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in criminal actions in courts of this State, approved June 17, 1852, relative to filing informations in criminal cases.

Was read a second time with a minority report recommending an amendment heretofore reported, which bill and amendment were passed over informally.

House bill No. 193 was read a second time and ordered to be engrossed.

House bill No. 212 was read a second time and passed over informally.

House bill No. 219. A bill authorizing the Boards of County Commissioners, in their several counties, to require the clerk of the Circuit Court to index certain books and dockets, and to provide compensation therefor.

Was read a second time.

The amendment heretofore reported by the Judiciary Committee was adopted.

Mr. Montgomery offered the following amendment:

Strike out "fifteen cents" and insert "ten cents," wherever the same occurs.

Which was not agreed to.

The bill as amended was then ordered to be engrossed.

House bill No. 220 was read a second time and laid on the table.

House bill No. 225 was read a second time and ordered to be engrossed.

House bill No. 23. A bill to enable the owners of wet lands to drain and reclaim them, when the same can be done without effecting the lands of others, and repealing all laws inconsistent therewith.

Was read a third time and laid on the table.

Mr. Douglass, by consent, offered the following resolution:

*Resolved*, That Thomas Ryan is hereby employed to act in the capacity of page to the House of Representatives, and that he shall draw pay from the commencement of this session.

Which was referred to the Committee on Employees of the House.

## SPECIAL ORDER OF THE DAY.

The hour having arrived for the consideration of Senate bill No. 7—a bill to repeal an act entitled an act to enforce the thirteenth article of the Constitution,

Mr. Hughes moved that the House allow Mr. Bird to speak more than twenty minutes in the discussion of the bill now pending.

Which was agreed to.

Mr. Hughes, by consent, introduced

House bill No. 285. A bill to amend an act entitled an act defining misdemeanors and prescribing punishment thereof, approved June 14, 1852, and declaring an emergency.

Which was read a first time and referred to the Committee on Temperance.

Mr. McFadin moved that when the House adjourns, it adjourn until to-morrow at 2 o'clock in the afternoon.

Which was agreed to.

Mr. Prather moved the previous question.

Which was not seconded by the House.

Mr. Thacher offered the following:

I move to recommit the bill to the Committee on Education with special instructions to report a joint resolution to repeal the thirteenth article of the Constitution so as to leave the subject to the people at the ballot box.

Which was declared by the Senate to be out of order.

A message from the Senate by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed Senate bill No. 1, entitled an act to divide the State into Congressional Districts, in which the concurrence of the House is respectfully requested.

I am also directed by the Senate to inform the House of Representatives that the Senate has passed Senate bill No. 166, entitled a bill to fix the number of Senators and Representatives to the General Assembly of the State of Indiana, and to apportion the same among the several counties of this State, in which the concurrence of the House is respectfully requested.

Mr. Long, of Kosciusco, moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall Senate bill No. 7 pass?

Those who voted in the affirmative were,

Messrs. Bischof, Blanch, Campbell, Daggy, Danaldson, Dunn, Ervin, Evans, Ferris, Foulke, Funk, Geisendorff, Greer, Griggs, Hartman, Hamilton, Higgins, Hopkins, Hudson, Long of Kosciusco, Martin, Mason, McCarthy, McClasky, Moore, Newcomb, North, Peelle, Prather, Ratliff, Rosser, Sabin, Scammahorn, Shook, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Spencer, Stafford, Thrasher, Thomas, Wason, Watson, Wilson, Wolfer, Woods, Wright, and Mr. Speaker—48.

Those who voted in the negative were,

Messrs. Barritt, Bird, Black, Brucker, Carter, Corey, Crowe, Edmonson, Fuller, Greene, Honneus, Hostetter, Hughes, Hungate, Inman, Kiser, Matthis, McFadin, McLean, Morrison, Montgomery, Newland, Ross, Shanks, Shields, Stackhouse, Thacher, Van Valkenburgh, Vawter, Williams, and Wolfe—31.

So the bill failed to pass for want of a constitutional majority

Messrs. McClasky and Scammahorn obtained leave of absence.

On motion by Mr. Stackhouse, the House adjourned.

THURSDAY AFTERNOON, 2 o'clock, }  
February 14, 1867. }

The House met.

On motion by Mr. White, the reading of the Journal was dispensed with.

PETITIONS, MEMORIALS, CLAIMS, ETC.

By Mr. Dunn,

A petition from sundry citizens of — county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. Wolfer,

A petition from sundry citizens of Warren county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. Ross,

A petition in relation to prohibiting the sale of liquors, etc., from sundry citizens of Miami county.

Which was referred to the Committee on Temperance without reading.

By Mr. Smith, of Wabash,

A petition from sundry citizens of Wabash county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.



By Mr. Ross,

A petition from sundry citizens of Miami county, in relation to a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. Matthis,

A petition from sundry citizens of Harrison county, asking for indemnity for losses incurred in 1863 from the invasion of the rebel John Morgan.

Which was referred to the Committee on Claims.

By Mr. Griggs,

A memorial from Nathan Brown, in relation to the discovery of a remedy for milk sickness, &c., asking the General Assembly to make certain investigations, &c.

Which was read and referred to a special committee of five.

The Speaker announced the following gentlemen as the special committee of five on the memorial of Nathan Brown.

Messrs. Griggs, Wolfe, Scammahorn, Wilson and Hostetter.

By Mr. Honneus,

A petition from sundry citizens of Clark county, asking for a law creating the office of Jailor separate and apart from that of Sheriff.

Which was referred to the Committee on Rights and Privileges of the Inhabitants of this State.

By Mr. Wright,

A memorial from J. M. Smith, Esq., of Charleston, Ind., asking that the fees of Justices and Constables be raised.

Which was read and referred to the Committee on Fees and Salaries.

#### REPORTS OF STANDING COMMITTEES.

Mr. Newcomb, from the Committee on Ways and Means, made the following report:

MR. SPEAKER :

The Committee on Ways and Means, to whom was referred House bill No. 277, have had the same under consideration and direct me to report the same back to the House with the following amendment, and when so amended recommend its passage.

Amend by striking out in first line of the title of the bill, "123" and insert "one of."

Which was laid on the table.

Mr. Higgins, from the Committee on Ways and Means, made the following report :

MR. SPEAKER :

The Committee on Ways and Means, to whom was referred Senate bill No. 58, have had the same under consideration and direct me to report the same back to the House with the following amendment, and when to amended, recommend its passage.

Amend by striking out "section three."

Which was laid on the table.

Mr. Newcomb, from the Committee on Ways and Means, made the following report :

MR. SPEAKER :

The Committee on Ways and Means, to whom was referred House bill No. 276, have had the same under consideration and direct me to report the same back to the House with the following amendment, and when so amended, recommend its passage.

Amend by striking out in line twenty-two of section one, "third Monday in June," and insert "third Monday in May."

Which was laid on the table.

Mr. Newcomb, from the Committee on Ways and Means, made the following report :

MR. SPEAKER :

The Committee on Ways and Means, to whom was referred

House bill No. 275, have had the same under consideration and direct me to report the same back to the House with the following amendment, and when so amended, recommend its passage.

Amend the title of the bill in the first line, by striking out "94," and insert "three of;" and further amend in the first section of the act, in the fourth line by striking out "94" and inserting "3."

Which was laid on the table.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bill thereof, to-wit :

Senate bill No. 37, entitled "an act to repeal all general laws now in force for the incorporation of cities and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto."

Senate bill No. 40, entitled a bill defining what counties shall constitute the 13th Judicial Circuit, and fixing the times of holding courts therein.

Senate bill No. 42, entitled a bill defining what counties shall constitute the 7th Judicial Circuit, and fixing the times of holding the courts therein.

Also, Senate Concurrent Resolution, to-wit :

*Resolved by the Senate,* (the House of Representatives concurring therein,) That a joint committee consisting of three of the Senate and five members of the House of Representatives, be appointed to examine into alleged frauds on the part of the late State Printer, and said Committee shall have power to send for persons and papers, in which the concurrence of the House is respectfully requested.

Mr. Belford, from the Committee on the Judiciary, made the following report :

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 166—a bill to amend the 28th section of an act defining felonies, and prescribing punishment therefor—have had the same under consideration, and directed me to report said bill back to the House, and recommend that it lie on the table, as the same provisions are contained in bill No. 130 of this House.

Which was concurred in.

Mr. Ross, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred Senate bill No. 24—which is a bill to legalize acknowledgments of all deeds, mortgages, and other instruments required to be recorded, taken and certified by Notaries Public, who took and certified such acknowledgements after the expiration of their commissions, or vacation of their appointments—have had the same under consideration, and authorized me to report the same back to the House, and recommend its passage.

Which was laid on the table.

Mr. Ross, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 267—entitled “An act to authorize Clerks of Circuit Courts to procure and furnish to Justices of the Peace blank books, to be used by them as dockets”—have had the same under consideration, and authorize me to report the same back to the House, with one amendment, and when so amended, recommend its passage:

Amend House bill No. 267 as follows: Strike out the second section.

Which was laid on the table.

Mr. Ross, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No 105—entitled “An act defining the crime of conspiracy, and prescribing the punishment therefor, and repealing an act entitled ‘an act defining what shall constitute certain felonies, and fixing the penalties therefor,’” approved May 31, 1861—have had the same under consideration, and authorize me to report the same back, with three amendments, which are herewith reported, and when so amended, recommend its passage:

Amend the third section of House bill No. 105 by striking out all between the word “crime,” in the sixth line, and insert the words “shall be deemed guilty” in the eighteenth line of said section. Also, after the words “any crime” in the third line, insert the word “or,” and after the word “or” in the fourth line, insert the words “falsely and maliciously.”

Which was laid on the table.

Mr. Smith, of Lagrange, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred Senate bill No. 13—a bill to authorize and provide for change of venue in civil actions in certain cases—have had the same under consideration, and directed me to report said bill back, without amendment, and recommend its passage.

Which was laid on the table.

Mr. Dunn, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred Senate bill No. 63—a bill for the repeal of statutes not in conformity with the ruling of the Supreme Court, in the case of Langdon against

Applegate and others, and limiting actions arising out of the same, or for a violation thereof—have had the same under consideration, and directed me to report said bill back, without amendment, and recommend its passage.

Which was laid on the table.

Mr. Dunn, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 200—a bill declaring legal and valid the official acts of Archibald C. Voris, Notary Public in and for the county of Lawrence, and State of Indiana—have considered said bill, and directed me to report it back to the House, and recommend that it be laid on the table, as the provisions of the bill are embraced in a bill of a general nature, now pending before the House.

Which was concurred in.

Mr. Dunn, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 269—a bill to amend section 156 of article 9 of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, &c.—have considered the same, and directed me to report the bill back, without amendment, and recommend its passage.

Which was laid on the table.

Mr. Dunn, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 140—a bill to amend sections 2 and 4 of an act entitled “an act to discourage the keeping of useless and sheep-killing dogs, and providing penalties,” with the pending amendment

thereto—have had the same under consideration, and directed me to report said bill back to the House, with one amendment, and, when so amended, recommend its passage.

Amendment to House bill No. 140, reported by the Judiciary Committee.

Strike out of section 2, as amended by the bill, the words “fifty cents,” where they occur, and insert the words “one dollar.”

Which was laid on the table.

Mr. Daggy, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred Senate bill No. 32—in relation to issuing *capias ad satisfaciendum*, when in action of replevin of personal property, the defendant shall fraudulently conceal, remove, transfer, withhold, &c., said property, &c.—have had the same under consideration, and directed that the same be returned, with the recommendation that the same do pass.

Which was laid on the table.

• Mr. Daggy, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 245—for the repeal of an act entitled “an act to ascertain the amount of the fees and salaries of divers officers therein named—have had the same under consideration, and directed that the same be returned, with the recommendation that the same do pass.

Which was laid on the table.

Mr. Miller, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred Senate

bill No. 70—a bill to amend section 57 of an act for the incorporation of cities, approved Dec. 20, 1865, authorizing subscriptions and donations to aid in the construction of plank roads, macadamized roads and railroads, running into or through such cities, prescribing the manner in which such subscriptions and donations may be made, and for the enforcement thereof—have had the bill under consideration, and directed me to report the same back to the House, with the amendments thereto, and, when so amended, recommend its passage.

#### Amendments to Senate bill No. 70.

Amend by inserting immediately after the words “macadamized road,” in the last line of the third page of the bill, the words “slack water navigation company.”

After the word “roads,” in the fourth line of the fourth page of the bill, insert the words “or in the construction of the works of such slack water navigation company.”

After the word “roads,” in the third line of the fifth page of the bill, insert the words “or passage of boats along the river occupied and improved by any slack water navigation company in case of such company.”

Which was laid on the table.

Mr. Miller, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 230—a bill supplemental to an act regulating descents and the apportionment of estates, approved May 14, 1852—have had the same under consideration, and directed me to report it back to the House, and recommend that it be indefinitely postponed.

Mr. Daggy moved to lay the report on the table.

Which was not agreed to.

The question being on concurring in the report,

It was agreed to.



Mr. Miller, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

The Committee on the Judiciary, to whom was referred House bill No. 215—a bill to exempt soldiers and the widows and children of soldiers who were in the service of the United States during the late rebellion, and who are, or may be upon the pension rolls of the United States, from poll tax, and from tax on property where the amount of taxable property of such soldier, widow or child shall not exceed one thousand dollars of assessed value—have duly considered the same, and are of the opinion that said bill should become a law, and have directed me to report the same back to the House, without amendment, and recommend its passage.

Which was agreed to.

Mr. Miller, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

The Committee on the Judiciary, to whom was referred House bill No. 256—a bill to amend section twenty-four of “an act regulating descents and the apportionment of estates”—have considered the same, and direct me to report it back and recommend its indefinite postponement.

Which was concurred in.

Mr. Higgins, from the Committee on the State Prison North, made the following report :

MR. SPEAKER :

The Committee on the State Prison North, to whom was referred that portion of the Governor's message relating to said prison, the reports of the directors, and accompanying documents, for the two years ending December 15, 1866, and to whom was assigned the duty of visiting said prison, and personally examining the same, the books and accounts of the officers, and all other matters pertaining

thereto, report that they have visited said prison, and carefully examined and inspected the buildings, finished and unfinished, the condition and treatment of the prisoners, and the books and accounts of the officers having charge thereof.

Your Committee find that within the two years last past, the offices connected with the prison have been completed, and that the southern wing of the cell house, containing three hundred and eighty cells, has also been completed, except a portion of the platforms in front of the cells, stairs to the same, and part of the doors. The cells are built of cut stone of the best quality, and in substantial and workmanlike manner. The whole building is strong and durable, and creditable to the State.

The Committee found the prison in a very good condition as to cleanliness, and the comfort of the prisoners seemed to be well attended to, while discipline and good order are duly enforced. There are now confined in the prison, 211 convicts, an increase of about 100 during the past year.

The Committee find that the appropriations heretofore made for the construction of the necessary buildings, as well as to defray the current expenses of the prison, are all exhausted; and that the indebtedness of the cell and guard house was, on the 15th day of December, 1866, \$87,929.43. That since that time, up to February 6, 1867, said indebtedness has, on account of construction of cell doors, been increased \$9,106.69, making the total indebtedness \$97,036.12. Your Committee recommend that an appropriation be made to liquidate said indebtedness.

Your Committee further report that, from the estimates made, and which estimates they believe to be reliable, the following sums of money are requisite for the completion of the work in course of construction, in addition to the amount required to pay the present indebtedness above shown, viz: For completion of outer wall and towers, \$21,861.96; for completion of south wing of cell house, \$28,141.81; for completion of guard house, \$4,782.30; making a total of \$54,786.07.

The estimate for the completion of the south wing of the cell house, as made on the 15th of December, 1866, was \$37,248.50, but this estimate is reduced \$9,106.69, being an amount equal to the increase of the indebtedness from December, 15, 1866, to February 6, 1867, already shown. In the above estimate for the completion of the cell house, is included an estimated expense of

\$13,400 for heating apparatus for both guard house and cell house.

Your Committee found that the building heretofore in use as a cell house, guard house, hospital, dining room, kitchen, and chapel, was intended in the original plan of the prison for a work shop, and that on account of the increased number of convicts, must be at least partially devoted to that purpose. At present, the southern portion of it is used for kitchen, dining room and hospital purposes, because there is no other building which can be so used. And we are of the opinion that the interests of the State, in the matter of economy, as well as the safe keeping of the prisoners, demands that a building be erected, as originally contemplated, near the cell house, planned especially for such purposes, at as early a day as possible. The building contemplated would be used for a hospital, dining room, kitchen, chapel, library and bath house, when completed. The estimated cost thereof is \$37,351.46. If this building, and the other building spoken of as in process of construction, were all finished, the prison would be complete as a prison, and the buildings might be thus described:

The south wing of the cell house, being 50 by 232 feet, having five tiers of stone cells, one above the other, with seventy-six cells in each tier; three two-story brick work shops, one 40 by 200 feet, a second 40 by 150 feet, and the third 40 by 130 feet; one one-story brick blacksmith shop 40 by 70 feet, and one brick one-story engine house 40 by 60 feet; and the building above named, which is not yet commenced. The buildings completed, with those in progress of construction, and the building for chapel, etc., will make the prison sufficiently capacious to contain and work five hundred convicts.

Your Committee believe that it is the true interest of the State to complete the several prison buildings as soon as practicable, and they therefore recommend that the appropriations necessary for that purpose be made.

The Committee, in examining the books and accounts of the prison, were struck with the apparent prodigality with which the money appropriated for prison purposes has been expended; accounts were allowed and paid, in our opinion, without authority of law. The attention of the House is called to some of the principal items of expenditure, which we deem of this character, taken from the detailed statements of the receipts and expenditures referred to the Committee.

The law provides that the directors shall appoint a clerk of the prison, who shall receive for his services a salary not exceeding \$1,000 per annum; yet we find that \$407, in the year 1865, was allowed and paid for extra services as clerk, and in 1866, the sum of \$300 was allowed and paid to the clerk of the prison for extra services as clerk. It is hard to conceive how the clerk of the prison could be legally entitled to pay for extra service as clerk, when the law provides that he shall perform the duties of clerk, and receive a salary not exceeding \$1,000 therefor. Indeed, it seems to us that he can render no extra service.

In January, 1865, Thomas Wood, the Warden, was allowed for expenses at various times, \$82.50.

In March, 1865, Thomas Wood, the Warden, was allowed for trees, shrubbery, vines, and for grading and improving grounds around Warden's house, \$300. The work being done principally, if not wholly, by the convicts.

In December, 1865, William Shelby was allowed for legal service incurred in contesting wardenship, \$232.69.

In March, 1866, McDonald and Roach were allowed for legal services rendered the prison, the sum of \$250.

The last two items are for the expenses, attorneys, fees, &c., incurred by Shelby and Wood in a contest before the courts for the office of Warden. The committee are utterly unable to discover any reason or even a pretext for paying these bills out the State Treasury. The State was not a party, yet after the contest is decided by the proper tribunal, she is kindly and generously made to step forward and foot the bills. No one was, it seems, beaten in the suit, except the State, and she was not a party.

In May, 1866, E. L. Valentine, Deputy Warden, was allowed for extra services, other than his office, the sum of \$200. The books do not show the character of this extra service.

In July, 1866, Thomas Wood, Warden, was allowed for extra services and boarding visitors for the year 1865, \$500.

He waited a long time but perseverance was rewarded with its usual success.

In August 1866, Thomas Wood, Warden, was allowed for expenses to Columbus on prison business \$120.

For ten gallons of whisky an allowance of \$50 is made.

For a Thanksgiving dinner for the guards there is allowed and paid \$50.

Bill of Nat Wood (boy) for service as usher for July, 1866, is allowed \$40.

All of which have been allowed and paid, and many other items of larger and smaller amounts, including allowances to officers and employees for extra services not herein specially mentioned, which are equally objectionable, all of which have been paid.

The making of these allowances is not confined to the present Board of Directors; many of them were allowed and approved by their predecessors. It is shown by the detailed statement that near \$900 has been allowed and paid to officers of the prison for boarding sick convicts, which, in the opinion of your committee, is a waste of the public funds, inasmuch as provision is and should be made for taking care of the sick, without the officers furnishing them special board and charging it to the State. Your committee find that near the sum of \$600 has been allowed the Directors and Warden for expenses, &c., in attending upon the several sessions of the Legislature; and this without any authority of law whatever. Committees of the Legislature visit the prison during each session, to examine into its management and condition, and report the same to the Legislature; but why should the Directors and Warden visit the Legislature at the expense of the State, unless required to do so. They should, like other citizens, if required to come, be paid for coming; but if their presence is not required by either house, and they see proper to visit the Capital, it will be vain to try to find a reason why they should not pay their own expenses, especially so, when the State is, during all the time, paying them fixed salaries. It would seem to be enough to state the fact that such allowances are made.

The Committee has not referred to these items of expenditure to show that any of the Directors or officers of the prison have at any time acted dishonestly and corruptly, but to show how easily funds may be and are misapplied, even wasted, and to enable the Legislature to further guard by enactments the interests of the State. There should be an available liability to the State somewhere, for the misapplication of her funds. If not at once nipped in the bud all experience teaches that the evil will grow. If necessary, the penalties of bonds now provided for, should be increased, their conditions made more comprehensive, and perhaps bonds should be given where none are now required, and all officers who shall participate in wasteful and unauthorized expenditures of the public

money, made to refund the same to the State without regard to whether severer penalties are inflicted. And it should be especially provided by law, that no money shall be paid to any officer or employee of the prison for extra services. Your Committee find that there is a deficiency in the appropriations for the current expenses of the prison for the last two years of \$8,308.35. They recommend that an appropriation be made to meet such deficiency. They also recommend that for the purpose of defraying the current expenses of the prison for the year ending December 15, 1867, the sum of \$12,000 be appropriated. That to defray the current expenses of said prison for the year ending December 15, 1868, there be appropriated the sum of \$12,000.

Your Committee would recommend the adoption of the accompanying concurrent resolution.

*Resolved, by the House of Representatives, (the Senate concurring therein,) That the Attorney General of the State be, and he hereby is instructed to investigate the unauthorized and unlawful expenditures of money made by the Warden and Directors of the State Prison North, referred to in the report of the Committee on said prison, accompanied by this resolution, and if in his judgment such suits can be maintained, to institute and prosecute suits for the recovery of the sums so unlawfully expended.*

Which was agreed to.

*Ordered, That the Clerk inform the Senate thereof.*

Mr. Belford moved to lay the report on the table, and that 500 copies thereof be printed for the use of the House, provided the same can be delivered within six days.

Mr. Newcomb moved to amend the motion to print, by striking out all therein relative to the time for delivering the same.

Which was not agreed to.

Mr. Wright, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the claim of John Gilmore, formerly Treasurer of Putnam county, for money

paid by him into the State Treasury in excess of what was really due from him to the same—beg leave to report that they have considered the same, and would recommend that said Gilmore be allowed the sum of \$322.48, and that the same be referred to the Committee on Ways and Means, and be incorporated in the specific appropriation bill.

Which was concurred in.

Mr. Wright, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the claim of C. C. Campbell, Sheriff of Marion county, in 1852, for expenses incurred in arresting James Dilman, Peter McCarthy and Harvey Moon fugitives from justice, to the amount of \$197.00—beg leave to report it back to the House with the recommendation that it be not allowed.

Which was concurred in.

Mr. Martin, from the Committee on Rights and Privileges, made the following report:

MR. SPEAKER:

The Committee on Rights and Privileges, to whom was referred House bill 270—regulating divorces—have had the same under consideration and direct me to report the same back to the House with the recommendation that it be indefinitely postponed.

Which was concurred in.

Mr. Belford, from the Committee on Railroads, made the following report:

MR. SPEAKER:

The Committee on Railroads, to whom was referred House bill No. 19—"a bill to regulate and make uniform the prices of freight upon railroads in this State,"—have considered the same and instruct me to report the bill back to the House with one amendment, and when so amended recommend its passage.

In section one, line twenty-one, strike out "five," and insert "fifteen."

Which was laid on the table.

Mr. Crain, from the Committee on Railroads, made the following report:

MR. SPEAKER:

The Committee on Railroads, to whom was referred House bill No. 184—have considered the same and instructed me to report the bill back to the House with the recommendation that it be indefinitely postponed.

Which, on motion, was laid on the table.

Mr. Skidmore, from the Committee on Roads, made the following report:

MR. SPEAKER:

The Committee, to whom was referred House bill No. 80, with instructions to leave it discretionary with the County Commissioners—have had the same under consideration and recommend that it do pass, with the amendment.

Which was laid on the table.

Mr. Thrasher, from the Committee on Roads, made the following report:

MR. SPEAKER:

Your Committee, to whom was referred House Resolution No. —, find that there is a bill drawn up on the subject matter embraced in the resolution, which will be presented; therefore your Committee beg leave to be released from further consideration of the subject.

Which was concurred in.

Mr. Thrasher, from the Committee on Roads and Highways, made the following report:

MR. SPEAKER:

The Committee, to whom was referred Senate bill No. 43—"a



bill to amend section fifteen of an act entitled an act to provide for the opening, vacating and change of highways, approved June 17, 1852—have had the same under consideration and recommend that it do pass.

Which was laid on the table.

Mr. Shook, from the Committee on County and Township Business, made the following report:

MR. SPEAKER:

The Committee, to whom was referred House bill No. 254—entitled “an act fixing the time for filing papers in Commissioners Court, and providing that claims chargeable to counties shall be accompanied by an affidavit of claimant—have had the same under consideration and instructed me to report the same back, recommending its indefinite postponement.

Which was concurred in.

Message from the Senate by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the President of the Senate to present, for the signature of the Speaker of the House, Enrolled Act of the Senate No. 5, entitled an act to amend an act entitled an act to amend an act entitled an act to fix the amount of the salary of the State Librarian, and repealing all former laws conflicting therewith, and to dispense with an Assistant Librarian and clerk, approved March 4, 1859, and also increasing the powers and duties of the State Librarian, approved December 20, 1865.

Mr. Mason, from the Committee on County and Township Business, made the following report:

MR. SPEAKER:

The Committee on County and Township Business, to whom was referred Senate bill No. 61, have had the same under consideration and direct me to report the same back to the House and recommend that it do pass.

Which was concurred in.

Mr. Barritt, from the Committee on Corporations, made the following report :

MR. SPEAKER :

The Committee on Corporations, to whom was referred House bill No. 222, having had the same under consideration, direct me, in compliance thereto, to report the same back to the House and recommend its passage.

Which was laid on the table.

Message from the Senate by Mr. Wilson, their Secretary.

MR. SPEAKER :

I am directed by the President of the Senate to inform the House of Representatives that he has signed Enrolled Senate Act No. 5, and has transmitted the same to the Governor of this State for his signature.

Mr. Evans, from the Committee on Engrossed Bills, made the following report :

MR. SPEAKER :

The Committee on Engrossed Bills, to whom was referred House Bills Nos. 225 and 108, (substituted for House bill No. 219,) also House bill No. 191, have examined the same, and ordered me to report the same correctly printed.

Mr. McMurray, from the Committee on Public Buildings, made the following report :

MR. SPEAKER :

The Committee on Public Buildings, to whom was referred resolution No. 66, beg leave to submit the following report, to-wit :

The State has a lease on the five rooms now occupied by the Treasurer and Secretary of State, with the cellars below, for two years from the first of May next, for which the State pays \$3,000 per annum. The proprietor further proposes to rent the entire

building from cellar to garret, containing thirty-five rooms, for \$2,500 per annum, to commence first of May next, for ten years.

Which was laid on the table.

Mr. Vawter, by consent, offered the following resolution:

*Resolved*, That the Committee on Public Buildings be instructed to inquire into the expediency of erecting a two-story building on the lot belonging to the State, on the corner of Tennessee and Washington streets, suitable for the use of the Supreme Court and State offices, with fire proof vaults, etc., and its probable cost, and report by bill or otherwise.

Which was agreed to.

The Speaker announced that he had signed Senate bill No. 5.

Mr. Crain, by consent, introduced

House bill No. 286. A bill in relation to the erection of a suitable building for the Supreme Court and the State offices.

Which was read a first time and passed to a second reading.

## ORDERS OF THE DAY.

House bill No. 23 was taken up. The amendments thereto, heretofore reported, were read and adopted.

The bill, as amended, was then ordered to be engrossed.

Mr. Stewart moved to take up the following message from the Governor.

Which was agreed to.

A message from the Governor, by John M. Commons, his private Secretary:

MR. SPEAKER:

I am directed by Governor Baker to transmit herewith a message from his Excellency, accompanied with copy of a communication from the Governor of Illinois, and copy of a memorial in relation to the National Lincoln Monument.

EXECUTIVE DEPARTMENT, }  
 INDIANAPOLIS, Feb. 13, 1867. }

*To the Senate and House of Representatives :*

I have just received from His Excellency, the Governor of Illinois, a communication transmitting a memorial of members of the National Lincoln Monument Association, addressed to the General Assembly of the State of Indiana, asking the aid of this State in carrying forward to completion the great and patriotic duty which they have undertaken.

I herewith transmit a copy of the memorial, together with a copy of the accompanying communication of Governor Oglesby, and recommend the subject to your earnest and favorable consideration.

CONRAD BAKER,  
*Lieutenant Governor of Indiana, acting as Governor.*

STATE OF ILLINOIS, }  
 EXECUTIVE DEPARTMENT, }  
 SPRINGFIELD, Feb. 2, 1867. }

*To His Excellency, Governor Baker, Governor of Indiana :*

DEAR SIR:—I am directed by the National Lincoln Monument Association to address you upon this subject, and take the liberty respectfully to invite your attention to the enclosed memorial, and to request that you lay the same before the Legislature of your State, now in session, with such recommendations as you may feel the importance of the subject requires, and your own views may permit:

After nearly two years of continual efforts to secure the necessary means to build a monument over the remains of Mr. Lincoln by private subscriptions and donations, we feel satisfied that we have reached nearly the full amount that may be expected from these sources, and that a public duty next to our obligations to the memory of this great and good man, requires us to directly appeal to the several loyal States, through their Legislatures, to aid the Association in securing what is believed will be the necessary sum to build an appropriate and suitable National Monument over his remains. The State of Illinois has responded to our memorial and petition, by granting an appropriation of fifty thousand dollars. We have in the hands of our Treasurer, invested in interest-bearing

national securities, donated by private subscriptions, after the payment of all expenses, seventy-five thousand dollars. We believe we will hardly be justified in attempting to build a monument for the purpose stated, that will cost less than \$250,000. We have at present but one half of this amount. We are not without hope that the Legislature of your State may feel disposed to approve our action, and the conclusion at which we have arrived, and to aid our Association by such an appropriation as shall encourage us to hope that the laudable object we have in view is not to fail, but is to be supported by that just and liberal public opinion, which, during his administration, so cheerfully and steadily supported him.

I shall be most happy to afford you any information you may desire about the history of the organization and action of our Association, and shall be much pleased to receive from yourself, or from the Legislature of your State, any suggestion in reference to this subject.

Very respectfully, your obedient servant,

R. J. OGLESBY, *Governor*.

#### MEMORIAL.

*To the Honorable the Senate and House of Representatives of the State of Indiana :*

Your memorialists, members of the National Lincoln Monument Association, would most respectfully solicit your attention to the accompanying articles of association and memorial, which they have had the honor to submit to the General Assembly of the State of Illinois, now in session.

The Legislature of Illinois has appropriated fifty thousand dollars in furtherance of the object of the association. But a much larger amount, in the opinion of your memorialists—and, as they believe in the judgment of the great body of the loyal American people—will be required to build a monument commensurate with the dignity and grandeur of the objects and aims contemplated by the association. In order, therefore, to impart to this enterprise that truly national character which we think it ought to assume, we respectfully ask the aid of your great State in rearing such a monument to the memory of Abraham Lincoln as will be worthy of his public service and fame, and as shall truly represent the love and reverence of the American people for the immortal principles of Liberty and Justice, which ever found in him so able and fear-

less an advocate, and for his fidelity to which he lost his life.

RICHARD J. OGLESBY,	JESSE K. DUBOIS,
ORLIN H. MINER,	JAMES C. CONKLIN,
JOHN T. STEWART,	SHARON TYNDALE,
NEWTON BATEMAN,	JOHN WILLIAMS,
S. H. TREAT,	JACOB BEENN,
O. M. HATCH,	JAMES H. BEVERIDGE,
S. H. MELVIN,	THOS. J. DENNIS,

DAVID L. PHILLIPS.

Mr. Peelle moved to refer the foregoing message and communication to the Committee on Benevolent Institutions.

Which was agreed to.

Mr. Miller presented a claim from J. H. Wright, of Lafayette, Ind., for expenses incurred in the arrest and conviction of Leon De La Foret, the murderer of Caspar M. Squier, near Lafayette, Ind., March 17, 1866. Amount claimed \$500.

Which was referred to the Committee on Claims.

Mr. Stewart moved to reconsider the vote referring the Governor's message to the Committee on Benevolent Institutions, and that the same be referred to a special committee of five, two from the Senate and three on the part of the House.

Which was agreed to.

Mr. McFadin offered the following resolution:

WHEREAS, There is diversity of opinion as to where the Agricultural College should be located; and,

WHEREAS, It is an almost undeniable and incontrovertible fact that the city of Logansport, Cass county, is a very eligible and appropriate place for the location of said college, from the fact that it is situated in a convenient section of the State, easy of access by railroad and other conveyance, and from the further fact that all kinds of building material, consisting of stone, timber, &c., exist in abundance, and can be procured cheaper than in any other part of the State; therefore,

*Resolved*, That the Committee on Education and Agriculture be instructed to inquire into the expediency and propriety of loca-

ting said college at said city of Logansport, and report by bill or otherwise.

Mr. Vawter moved to amend by striking out Logansport and inserting Franklin, Johnson county.

Mr. Stackhouse moved to lay the resolution on the table.

Which was not agreed to.

The resolution was then referred to the joint committee composed of the Committees on Education and Agriculture.

House bill No. 14. A bill appointing commissioners to adjust the claims of citizens of the State of Indiana for damages sustained by reason of the raid of the rebel forces under command of John Morgan, in July, 1863, and by all other raids made by rebel forces; also, prescribing some of the powers and duties of said commissioners, and providing for the payment of claims adjusted by them, and other matters connected therewith.

Was read a second time.

Mr. Griggs offered the following amendment:

Amend by inserting that no compensation shall be allowed only to those who shall prove themselves to have been loyal men at the time of the invasion.

Mr. Foulke moved that the bill be laid on the table, and that 300 copies thereof be printed for the use of the House.

Mr. Hartman moved the previous question.

Which was not seconded.

Mr. Shuey, by consent, offered the following amendment:

Amend, by inserting in the proper place, "The claimant shall make oath that his claim is now owned and held by him or her, and that the same, and no interest therein, has been assigned or transferred."

Mr. Higgins being in the chair,

Mr. Branham moved to recommit the bill, with instructions to

report a bill to provide for a commission to take all the testimony and ascertain all facts connected with the Morgan and other rebel raids in this State, and report to the next General Assembly.

Messrs. Bird, Funk, Williams and Skidmore obtained leave of absence till Tuesday next, and Mr. Carter till Thursday next.

Mr. Prather moved to amend the motion made by Mr. Branham, as follows:

“To provide for the payment of property taken and destroyed by the Union forces, and to report the property and value taken or destroyed by the rebel forces.”

The question being on the amendment offered by Mr. Prather, pending which,

On motion by Mr. Crain, the House adjourned.



FRIDAY MORNING, 9 o'clock, }  
February 15, 1867. }

The House met.

On motion by Mr. Shuey, the reading of the Journal was dispensed with.

PETITIONS, MEMORIALS, CLAIMS, ETC.

By Mr. Crowe,

Two petitions from sundry citizens of Scott county, in relation to the Morgan raid.

Which were referred to the Committee on Claims without reading.

By Mr. Newland,

A petition from citizens of Floyd county, in relation to a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. Blanch,

A petition from citizens of Howard county, in relation to the prohibition of drunkenness, etc.

Which was referred to the Committee on Temperance without reading.

By Mr. Peelle,

A memorial, signed by James Perry and others, members of the bar of Wayne county, in relation to a Circuit Court.

Which was read and referred to a special committee of five.

By Mr. Shanks,

A petition from sundry citizens of Washington county, asking

that the act, approved March 2, 1865, entitled "an act to prevent the keeping of useless dogs," be repealed or amended.

Which was referred to the Committee on Agriculture.

By Mr. Hamilton,

Three petitions from citizens of Marion county, asking for the enactment of a prohibitory liquor law.

Which were referred to the Committee on Temperance without reading.

By Mr. Hamilton,

A petition from citizens of Marion county, in relation to a prohibitory liquor law.

Which was read and referred to the Committee on Temperance.

Mr. North obtained leave of absence until Tuesday next.

#### REPORTS OF STANDING COMMITTEES.

Mr. Crowe, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the claim of J. E. Walker, Agent of State, for services rendered and expenses incurred in going to and coming from New York, and attending Sinking Fund Board, and procuring legal counsel and advice of Algernon S. Sullivan, in New York, beg leave to report the same back to the House, with the recommendation that it do not be allowed.

Which was concurred in.

Mr. Higgins, from the Committee on the State Prison North, made the following report:

MR. SPEAKER:

The Committee on the State Prison North, to whom was referred a communication from the Auditor of State, in reference to

the amount of salaries paid the Directors of the State Prison North, have considered the subject, and directed me to report the accompanying bill, and recommend its passage. And the Committee ask to be discharged from the further consideration of the subject:

House bill No. 287. A bill fixing the salary and terms of office of the Directors of the State Prison North, and repealing all laws conflicting with this act.

Which was read a first time and passed to a second reading.

Mr. Sabin, from the Committee on Fees and Salaries, made the following report:

MR. SPEAKER:

The Committee on Fees and Salaries, to whom was referred Senate bill No. 33, have had the same under consideration, and have directed me to report that whereas, we do not consider it expedient to increase fees to any great extent, and that said bill increases the fees of Justices and Constables about forty per cent., and whereas, a bill has already passed this body, making a suitable allowance to County Commissioners, we therefore deem it inexpedient to pass this bill.

Which was concurred in.

Mr. Sabin, from the Committee on Fees and Salaries, made the following report:

MR. SPEAKER:

The Committee on Fees and Salaries, to whom was referred House bill No. 261, have had the same under consideration, and directed me to report the same back, and recommend that it do pass.

Which was laid on the table.

#### INTRODUCTION OF RESOLUTIONS, BILLS, ETC.

Mr. Crain introduced

House bill No. 288. A bill to amend section 315 of article 18 of "an act to revise, simplify and abridge the rules, practice, plead-

ings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time, and passed to a second reading.

Mr. Martin introduced

House bill No. 289. A bill to amend section one of an act to amend an act entitled "an act authorizing county agricultural societies to purchase and hold real estate," approved February 7, 1855, and to authorize such societies to issue capital stock.

Which was read a first time, and referred to the Committee on Agriculture.

Mr. Baker introduced

House bill No. 290. A bill to amend section twenty-nine of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852.

Which was read a first time, and passed to a second reading.

Mr. Scammahorn offered the following resolution:

*Resolved*, That the Doorkeeper be instructed to rescind the contracts made for the purchase and delivery of daily newspapers for the use of this house, to take effect on Saturday the 17th inst., unless they can be delivered to the members of this House, the morning papers by 8 o'clock A. M., the evening papers by 4 o'clock P. M. of each day.

Which was agreed to.

Mr. Wolfe introduced

House bill No. 291. A bill to equalize the benefits to the families on non-commissioned officers, musicians and privates entitled to relief out of the funds raised by taxation under an act for that purpose, approved March 4, 1865, and an act on the same subject, approved December 20, 1865.

WHEREAS, It is represented to this General Assembly, that in many of the counties of this State, the loyal spirit of the people led out of their number into the army, so large a proportion, and the

Boards of County Commissioners, in many counties, have made large advancements, to soldiers families under section — of an act on the subject of relief of soldiers families, approved March 4, 1865, and that the assessment made under said act did not produce a sufficient fund to pay the beneficiaries within their respective bounds, the several amounts by said acts allowed up to the third day of March, 1866 ;

AND WHEREAS, It is in like represented to this General Assembly, that in other counties of this State, where the spirit of loyalty was not manifested in the same manner, large amounts were by and under said assessment accumulated in excess of the several amounts by said acts allowed to each beneficiary within their respective bounds, to the said third day of March, 1866.

Therefore, to equalize the amount received by each beneficiary, in the State, and to carry out the interest of the said act first afore-said— [Copy not complete.—STATE PRINTER.]

Was read a first time, and referred to the Committee on Military Affairs.

The Speaker announced the following members of the House as the special joint committee of the two Houses, to which was referred the Governor's message on the subject of the Lincoln monument :

Messrs. Stewart, Higgins and Stackhouse.

Mr. Ross introduced

House bill No. 292. A bill in relation to the practice in the trial of civil causes in the Circuit and Common Pleas Courts.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Danaldson, by consent, presented a memorial from J. T. Campbell, Treasurer of Parke county, asking for sundry changes in the laws, for the collection of delinquent taxes.

Which was read a first time, and referred to the Committee on Ways and Means.

Mr. Wilson offered the following resolution :

*Resolved*, That the Committee on Education be, and they are

hereby instructed to report a bill so amending the school law, that the colored population of this State shall be taxed the same as the white, and receive their proportionate share of the school funds, in order to the establishment of separate schools for the colored children.

Which was agreed to.

Mr. Campbell introduced

House bill No. 293. A bill to fix the time of holding the Circuit Courts in the Fifth Judicial Circuit, prescribing the length of the terms thereof, and repealing all laws in conflict therewith.

Was read a first time and passed to a second reading.

Mr. Griggs introduced

House bill No. 294. A bill to disfranchise deserters from the United States and deserters from the draft, and rendering them incapable of holding any office of trust or profit in this States.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Daggy introduced

House bill No. 295. A bill to authorize cities to prepare, execute, negotiate and sell bonds to raise means, with which to complete unfinished school buildings, and to pay debts contracted for the erection of such school buildings, and authorizing the levy and collection of an additional special tax for the payment of the interest and principal of said bonds, and regulating other matters properly connected therewith, and declaring an emergency.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Fuller introduced

House bill No. 296. A bill to amend section 80 of an act entitled "act to provide for the valuation and assesment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of Township Assessors, and prescribing the duties of Assessors, Appraisers of real property, County Trea-

surers and Auditors, and the Treasurer and Auditor of State," approved June 21, 1852.

Which was read a first time, and referred to the Committee on Ways and Means.

Mr. Miller introduced

House bill No. 297. A bill in relation to docket fees.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Wolfer introduced

House bill No. 298. A bill making it a misdemeanor to allow hogs to run at large in certain cases.

Which was read a first time, and referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

Mr. Shook introduced

House bill No. 299. A bill to amend section seventy-seven of an act entitled an act to amend section seventy-seven of an act entitled "an act to revise, simplify and abridge the rules, practice and proceedings and forms in criminal actions in the courts of this State," approved June 17, 1852; which latter act was approved December 20, 1865.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Hopkins introduced

House bill No. 300. A bill to amend section one of an act entitled "an act to amend section one of an act entitled an act to fix the time of holding the Common Pleas Courts in the several counties in this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859; approved January 26, 1861.

Which was read a first time, and referred to the Committee on the Organization of Courts.

Mr. Geisendorff, by consent, presented a petition from sundry citizens of Rome City, in Noble county, asking that two acres of land of out-lots in said town be donated, etc.

Mr. Geisendorff introduced

House bill No. 301. A bill donating certain real estate in the village of Rome City, in the county of Noble, and State of Indiana, to said village for educational purposes.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Hamilton introduced

House bill No. 302. A bill to amend the sixteenth and forty-seventh sections of an act entitled "an act to provide for the opening, vacating and change of highways, and to increase the fees of viewers and reviewers."

Which was read a first time, and referred to the Committee on Roads.

Mr. Stewart offered the following resolution:

*Resolved*, That the Committee on Education be instructed to inquire into the propriety and expediency of establishing a number of "Teachers' Institutes," for qualifying teachers for our common schools, to be conducted at convenient places, in houses already constructed, and the Superintendent of Public Instruction shall make the necessary arrangements for the carrying out of this resolution.

2. There may be appropriated from the common school fund the necessary funds to carry out this resolution, not to exceed the sum of one thousand dollars to any one Institute in the same year.

3. *Resolved further*, That no money shall be appropriated to the support of any such Institute, unless the same shall have been in successful operation for at least two months, and been open to all teachers, and persons qualifying themselves for teachers, within the District where the said Institute is situated.

4. When Institutes, contemplated in these resolutions, are organized; the same shall be a substitute for the "State Normal School," as established by the special session of 1865.



Mr. Crain moved that said resolutions be referred to the Committee on Education.

Which was agreed to.

Mr. Ratliff introduced

House bill No. 303. A bill to amend section 706 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms, in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time, and referred to the Committee on Education.

Mr. Crain introduced

House bill No. 304. A bill to amend section three of "an act for the regulation of weights and measures," approved June 9, 1852.

Which was read a first time, and passed to a second reading.

Mr. McLean introduced

House bill No. 305. A bill for the suppression of lotteries, gift distributions, and other gambling schemes, and for the punishment of persons engaged in the same, or encouraging, aiding, abetting or assisting in such schemes, and providing a penalty for the violation of this act.

Which was read a first time, and referred to the Committee on the Judiciary.

## ORDERS OF THE DAY.

House bill No. 14. A bill appointing commissioners to adjust the claims of citizens of the State of Indiana, for damages sustained by reason of the raid of the rebel forces under command of John Morgan, in July, 1863, and all other raids made by rebel forces. Also, prescribing some of the powers and duties of said commissioners, and providing for the payment of the claims adjusted by them, and other matters connected therewith.

Was taken up.

Mr. Prather asked and obtained leave to withdraw his amendment to the motion made by Mr. Branham.

The question being on the motion by Mr. Branham to recommit the bill, with instructions, to the Committee on Claims.

It was agreed to, and the bill was so referred, with instructions.

Mr. Miller moved to take up the following concurrent resolution from the Senate.

Which was agreed to.

*Resolved by the Senate,* (the House of Representatives concurring therein,) That a Joint Committee, consisting of three of the Senate and five members of the House of Representatives, be appointed to examine into alleged frauds on the part of the late State Printer, and said Committee shall have power to send for persons and papers, in which the concurrence of the House is respectfully requested.

Mr. Ross moved to lay the resolution on the table.

Which was agreed to.

#### SPECIAL ORDER OF THE DAY.

The hour having arrived for the consideration of the majority and minority reports of the Committee on University Square, the same was taken up.

House bill No. 258. A bill appointing commissioners to sell certain real estate, and prescribing their duties, and providing for the disposition of the proceeds of said sale, and for the establishing of an agricultural department in the State University.

Was read a second time.

Mr. Hughes moved that the rule limiting each member to twenty minutes in discussion, be suspended, and that they be allowed a longer time in the discussion of this subject.

Which was agreed to.

Mr. Campbell offered the following amendment to said bill:

Sec. —. There shall be paid to the Treasurer of State, out of

the proceeds of the sale of said square, a sum equal to the amount of bonds issued to the Board of Trustees of Vincennes University, pursuant to an act entitled "an act to adjust the Gibson Seminary township claim, and providing for the payment of the judgment of the Vincennes University against the State, by issuing bonds therefor," approved February 13, 1865, which sum shall be applied exclusively to the redemption of such bonds.

On motion by Mr. Vawter, the House adjourned.

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TWO O'CLOCK, P. M.

The House met.

Mr. Shuey obtained leave of absence, on account of sickness until Tuesday next.

Mr. Crain, from the Committee on Employés of the House, by consent, made the following report:

MR. SPEAKER:

The committee, to whom was referred the resolution, No. —, empowering the Chairman of the special committee on investigation of the expenditures of the Governor, have directed me to report in favor of the allowance to said committee of a clerk for ten days, and hereby confirm the appointment of W. H. Schlater as such clerk for the said ten days.

Which was concurred in.

Mr. McFadin moved that when the House adjourn it adjourn until Monday next at 2 o'clock P. M.

Which was not agreed to.

Mr. Moore, by consent, moved to take up House bill No. 272.

Which was agreed to.

House bill No. 272 was then read a second time, and ordered to be engrossed.

House bill No. 258 was taken up.

The question pending, when the House adjourned, was on the motion to amend by Mr. Campbell.

Mr. Wolfe offered the following amendment:

Amend by inserting, in the proper place, "that said land shall not be forced into the market for at least two years."

Mr. Belford moved to refer the bill and pending amendments to the Committee on the Judiciary.

Mr. Hopkins offered the following as instructions to the committee:

Amend so that University Square shall not be sold for less than one hundred thousand dollars.

Mr. Peele moved to take up the following message from the Senate.

Which was agreed to.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

The Senate having requested His Excellency Governor Conrad Baker to return enrolled Senate act No. 5, to amend the title thereof, the same is herewith submitted to the House for their concurrence in the action of the Senate, which provides for the following amendment to the title, by the addition thereto of the following words: "And supplemental section, fixing the term of office of the State Librarian, and the time when the same shall commence."

On motion by Mr. Peelle, the foregoing amendment was concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Martin obtained leave of absence until Monday next at noon.

Mr. Hughes moved that Mr. Newland be added to the Committee on Railroads.

Which was agreed to.

On motion by Mr. Danaldson, the House adjourned.

SATURDAY MORNING 9 o'clock, }  
February 16, 1867. }

The House met.

On motion by Mr. Spencer, the reading of the Journal was dispensed with.

Mr. Ross moved that when the House adjourns, it adjourn until Monday next, at 2 o'clock P. M.

Which was agreed to.

Messrs. Crowe, Gordon and Watson, obtained leave of absence until Tuesday morning next.

Mr. Daggy obtained leave of absence during next week.

PETITIONS, MEMORIALS, CLAIMS, ETC.

By Mr. Prather,

A petition from sundry citizens of Jennings county, asking relief on account of rebel raids, &c.

Which was referred to the Committee on Claims.

By Mr. Miller,

A remonstrance of John Pettit to the passage of House bill No. 216.

Which was read.

Mr. Miller moved that 200 copies of said remonstrance be printed for the use of the House.

Which was not agreed to.

On motion the remonstrance was then referred to the Committee on Ways and Means.

By Mr. Shook,

A petition from sundry citizens of Ripley County, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. Miller,

Two petitions from sundry citizens of Tippecanoe county asking for a prohibitory liquor law.

Which were referred to the Committee on Temperance without reading.

By Mr. Ratliff,

Two petitions from sundry citizens of Grant county, asking for such change in the laws as will make all men equal in political rights and privileges, without respect to race or color.

Which were referred to the Committee on Rights and Privileges of the Inhabitants of this State without reading.

By Mr. Stewart,

A petition from sundry citizens of Rush county asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. Black,

A petition from sundry citizens of Madison county asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. McCarthy,

A petition from sundry citizens of Porter county asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Peelle, from the Committee on Organization of Courts, made the following report:

MR. SPEAKER:

The Committee to whom was referred House bill No. 300—enti-

tled an act to amend section one of an act entitled an act to amend section one of an act entitled an act to fix the time of holding Common Pleas Courts, etc.,—have had the same under advisement and instructed me to report in favor of its passage.

Which was laid on the table.

Mr. Bischoff, from the Committee on Education, made the following report:

MR. SPEAKER:

Your Committee on Education, to whom was referred House bill No. 157—entitled “an act to amend sections one, ten and fourteen of an act entitled an act to provide for a system of Common Schools,” approved March 6, 1865—and to provide for colored schools—have had the same under consideration and respectfully beg leave to report back the same recommending its passage.

Which was laid on the table.

Mr. Stackhouse, from the Committee on Education, made the following report:

MR. SPEAKER:

The Committee on Education to whom was referred House bill No. 274—entitled “an act to amend section seven of an act providing for the election of clerks of the Circuit Courts and prescribing some of their duties,” approved June 7, 1852—have had the same under consideration, and believing that present legislation on the subject is wholly inadequate, and that the interest of the School Fund suffers very materially for want of appropriate legislation, adequately providing for the payment of all moneys to said fund properly belonging thereto, that come into the hands of the officers, contemplated by said act, consisting of fines, forfeitures, unclaimed witness and jury fees, &c., &c., having fully considered said House bill No. 274, have unanimously directed me to report the same back to this House with the recommendation that it pass.

Which was laid on the table.

Mr. Ratliff, from the Committee on Education, made the following report:



MR. SPEAKER:

The Committee on Education, to whom was referred House bill No. 64—repealing an act entitled “an act to amend section thirty-five of an act to provide for a general system of Common Schools the officers thereof, and their respective powers and duties and matters properly connected therewith, and prescribing fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, and providing penalties therein prescribed”—have had the same under consideration and recommend that it be laid upon the table for the reason that Senate bill No. —, makes the same provisions.

Which was concurred in.

Mr. Wason, from the Committee on Education, made the following report:

MR. SPEAKER:

The Committee on Education, to whom was referred House bill No. 280—a bill for the qualification of teachers of common schools, and repealing all laws in conflict therewith—have had the same under consideration, and respectfully beg leave to report the same back to the House, and recommend its passage.

Which was laid on the table.

Mr. Corey, from the Committee on Education, made the following report:

MR. SPEAKER:

The Committee on Education, to whom was referred House bill No. 210, have had the same under consideration, and a majority of said committee have instructed me to report the same back to the House, with the recommendation that it pass.

Which was laid on the table.

Mr. Ratliff, from the Committee on Education, made the following report:

MR. SPEAKER:

The Committee on Education, to whom was referred House bill

No. 213, entitled "A bill to amend sections 1 and 4 of an act entitled, 'An act to provide for a general system of common schools, &c.,'" approved March 6, 1865, have had the same under consideration, and respectfully beg leave to report back the same, striking out the fourth section, and when so amended, recommend its passage.

Which was laid on the table.

Mr. Smith, of Lagrange, from the Committee on Education, made the following report:

MR. SPEAKER:

The Committee on Education, to whom was referred House bill No. 206, entitled "An act authorizing Township Trustees, Trustees of incorporated towns, and the Common Council of cities to levy a tax for school purposes," have had the same under consideration, and respectfully beg leave to report back the same, and recommend its passage.

Which was laid on the table.

Mr. Smith, of Lagrange, from the Committee on Education, made the following report:

MR. SPEAKER:

The Committee on Education, to whom was referred House resolution No. 53, with instructions to inquire into the expediency of providing for a uniform system of books to be used in our common schools, have had the same under consideration, and beg leave to report that further legislation on the subject is inexpedient.

Which was concurred in.

Mr. Evans, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills have carefully compared Engrossed House bills Nos. 193, 212, and 272, with the originals thereof, and find the same, in all things, correctly engrossed.

Mr. Greer, from the Select Committee on House bill No. 129, made the following majority report:

MR. SPEAKER:

The Select Committee, to whom was referred House bill No. 129, having duly considered the same, direct me to report the same back to the House, with one amendment, and when so amended, recommend its passage.

Strike out all after the enacting clause, and insert the following:

That Section 20 of said act, which reads as follows, to-wit:

“Section 20. The Township Trustee, with the concurrence of the Board of County Commissioners, shall assess annually a road tax of not less than ten, nor more than twenty-five, cents on the one hundred dollars, to be levied according to the amount of real and personal property owned in said township, subject to taxation, and may assess tax not less than two, nor more than five, cents on each acre of taxable land, for road purposes, to be collected as provided in the bill defining the duties of Township Trustees: *Provided, however,* That the tax so assessed on real estate, may be worked out in the road district in which such real estate lies, and the tax assessed on personal property in the district where the owner resides, at the rate of one dollar and fifty cents per day. The Supervisor shall obtain a list of all road tax assessed on each individual, and his certificate for the amount worked out shall be taken by the Treasurer of the county in payment of said tax,” be and the same is amended to read as follows:

Section 20. The Board of County Commissioners, with the concurrence of the Township Trustee, shall assess annually a road tax of not less than five, nor more than twenty, cents on the one hundred dollars worth of real and personal property owned or situated in said township subject to taxation, two cents of which tax shall be paid into the county treasury in money, and by the County Treasurer to be paid to the Township Trustee, at the same time and upon the same orders that other moneys are paid to Township Trustees by the Treasurer of the county, and the Township Trustees shall pay the same to the several Supervisors of their respective townships, who shall lay out and expend the same to procure the necessary tools for their road districts: *Provided,* That all moneys collected for the improvement of highways shall be expended in the road district from which the same was

derived; *and be it further provided*, That all other moneys assessed for road purposes, or the improvement of highways, may be worked out in the road district in which the person resides owing said tax, at the rate of one dollar and fifty cents per day; and the receipt of the Supervisor of Roads shall be taken by the County Treasurer in payment of any road tax so assessed, and the Supervisor shall procure a list of the road tax of his road district so to be worked out.

Which report and amendment were laid on the table.

Mr. Foulke, from the same Committee, made the following minority report:

MR. SPEAKER:

The Select Committee, to whom was referred House bill No 129, considered the same and agreed to amend the said bill by making the amount of road tax assessed not less than two, nor more than twenty, cents on each one hundred dollars. We, the minority, find, however, that the bill now reported by the majority assesses a tax of not less than five, nor more than twenty, cents on the one hundred dollars, and we therefore dissent from this action of the majority for the following reasons:

We believe this General Assembly has no moral right to compel the people to assess more tax than is necessary to be expended for the purpose named. The taxes are already burdensome, and as many localities in this State do not require more than two cents on the one hundred dollars for road purposes, and as all localities have full power, under the amendment first agreed upon by your Committee, to levy whatever taxes are deemed necessary, (not exceeding twenty cents on one hundred dollars,) we see no reason why the interests and wishes of the people in any county, or township, should be disregarded. We therefore ask that the word "five" be stricken out, and "two" inserted in lieu thereof.

Which was laid on the table.

Mr. Vawter, by consent, offered the following resolution:

WHEREAS, The Committee on Fees and Salaries applied to the Clerk of this House for a statute on Thursday, and said Clerk borrowed a copy for the use of said Committee, and said statute

was taken or stolen from this house, for which the Clerk is personal reliable; therefore,

*Resolved*, That the State Librarian be authorized to replace said set of statutes in the place of the ones taken.

Mr. Geisendorff moved to lay said resolution on the table.

Which was not agreed to.

Mr. McFadin moved to amend, by saying "lost" instead of "taken or stolen."

Which was not agreed to.

The question being on the adoption of Mr. Vawter's resolution. It was not agreed to.

Mr. Bobo introduced

House bill No. 306. A bill to authorize the reference of trials to master commissioners, and defining their duties relating thereto.

Which was read a first time, and referred to the Committee on the Judiciary.

By Mr. Brucker,

A claim for \$50 in favor of Jacob Leingang, for furnishing quarters to troops, etc.

Which was referred to the Committee on Claims without reading.

Mr. Peelle introduced

House bill No. 307. A bill allowing parties to suits in all cases, to be witnesses when such parties are only securities.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Ross introduced

House bill No. 308. A bill reaffirming the common law rule as to criminals running at large, and giving a right of action for injuries, etc.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Greer introduced

House bill No. 309. A bill regulating the sale of intoxicating liquors, and the procuring of license to sell the same.

Which was read a first time, and referred to the Committee on Temperance.

Messrs. Barritt and Newland obtained leave of absence for to-day.

Mr. Morrison obtained leave of absence indefinitely.

Mr. Douglass obtained leave of absence for one week.

Mr. Hughes introduced

House bill No. 310. A bill to amend an act approved February 23, 1859, entitled "an act to amend an act entitled an act to amend the thirty-second section of an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852; approved March 7, 1857.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Kiser introduced

House bill No. 311. A bill to define perjury in legislators and others filling official positions, and fixing the penalty therefor.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Brucker introduced

House bill No. 312. A bill that the Board of Trustees of any incorporated town shall have the right to lease any wharf or part of a wharf fronting on a navigable stream within the limits of the town.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Campbell introduced

House bill No. 313. A bill for the incorporation of Live Stock Insurance Companies, defining their powers and prescribing their

duties, authorizing them to adopt a brand, and prescribing penalties for its unlawful use.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Stewart introduced

House bill No. 314. A bill to amend section five of an act to amend sections 78, 79, 94, 95, 104, 142 and 143 of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of Township Assessors, and prescribing the duties of Assessors, Appraisers of real property, County Auditors and Treasurers, and of the Treasurers and Auditor of State," approved June 21, 1852, and to repeal an act entitled "an act to amend the one hundred and forty-third section of an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of Township Assessors, and prescribing the duties of Assessors and Appraisers of real property, County Treasurers and Auditors, and of the Treasurer and Auditor of State," approved June 21, 1852; approved March 4, 1859; approved May 31, 1861.

Which was read a first time, and referred to the Committee on Fees and Salaries.

#### SPECIAL ORDER FOR THE DAY.

The hour having arrived for the the consideration of House bill No. 284, the same was taken up, read a second time, ordered to be engrossed, and, on motion, made the special order for Wednesday next at 10 o'clock A. M.

#### ORDERS OF THE DAY.

The hour having arrived for the consideration of House bill No. 258.

Mr. Newcomb moved to make said bill the special order for Wednesday next at 3 o'clock P. M.

Which was agreed to.

Mr. Baker moved to amend as follows :

Refer House bill No. 258, with pending amendments, to a select committee of five, to ascertain if the title of the Vincennes University to the property in controversy is not paramount to that of either of the other claimants.

Which was passed over informally.

Mr. Hartman, by consent of the House, presented the claim of Solomon Delong of Newville, DeKalb county, for \$50.00 for services in visiting State Prisons.

Which was referred to the Committee on Claims without reading.

Message from the Senate, by Mr. Wilson, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following Senate bill thereof, to-wit :

Senate bill No. 161, entitled an act to establish a House of Refuge for the correction and reformation of juvenile offenders—in which the concurrence of the House is respectfully requested.

#### SENATE BILLS ON FIRST READING.

Senate bill No. 1. A bill to divide the State into Congressional Districts.

Was read a first time, and referred to the Committee on Congressional Apportionment.

Senate bill No. 166. A bill to fix the number of Senators and Representatives to the General Assembly of the State of Indiana, and to apportion the same among the several counties of the State.

Was read a first time, and referred to the Committee on Legislative Apportionment.



Senate bill No. 42. A bill defining what constitutes the Seventh Judicial Circuit, and fixing the times of holding Courts therein.

Was read a first time, and referred to the Committee on the Organization of Courts.

Senate bill No. 40. A bill defining what counties shall constitute the Thirteenth Judicial Circuits, and fixing the times of holding Courts therein.

Was read a first time, and referred to the Committee on the Organization of Courts.

Senate bill No. 161. A bill to establish a House of Refuge for the correction and reformation of juvenile offenders.

Was read a first time and referred to the Select Committee on the House of Refuge.

#### SENATE BILLS ON SECOND READING.

Senate bill No. 24 was read a second time, and passed to a third reading.

Senate bill No. 63 was read a second time, and passed to a third reading.

Senate bill No. 22 was read a second time, and passed to a third reading.

Senate bill No. 30 was read a second time, and passed to a third reading.

Senate bill No. 13 was read a second time, and passed to a third reading.

Senate bill No. 32 was read a second time, and passed to a third reading.

Senate bill No. 43 was read a second time, and passed to a third reading.

Senate bill No. 70, with amendments heretofore reported, was taken up. The amendments were agreed to.

The bill, as amended, was read a second time, and passed to a third reading.

Senate bill No. 58, with amendments previously reported, was taken up. Said amendments were read and agreed to.

The bill, as amended, was then read a second time, and passed to a third reading.

Mr. Brucker moved to take House bill No. 81 from the table, and place the same on the files.

Which was agreed to.

Said bill was then ordered to be engrossed.

House bill No. 142, and amendments heretofore reported, were read.

Mr. Miller moved to recommit the same, with the following instructions, to the Committee on Railroads:

Amend said bill by adding as follows: *Provided*, That no assessment shall be made on any of the stockholders, who have paid up the amount of their stock until all the funds, dividends and road shall have been exhausted for the payment of said debts or liabilities.

Also amend as follows:

Strike out of the seventeenth line the word "or."

Insert before the words "the stockholders," in the sixth line, the words "two-thirds."

Strike out of the sixth line the words "owning a majority of the stock."

Strike out of the sixteenth line the word "or," and insert "and personal."

Strike out the twenty-sixth line.

Insert in the twenty-fifth line after the word "by" and before "the," the words "two-thirds of."

Strike out of the eighteenth line the words "its debts or for the," and insert the following: "incurred in the original."

Pending the motion to recommit,

On motion by Mr. McFadin, the House adjourned.

MONDAY AFTERNOON, 2 o'clock, }  
February 18, 1867. }

The House met.

On motion by Mr. Stafford, the reading of the Journal was dispensed with.

PETITIONS, MEMORIALS, CLAIMS, REMONSTRANCES, ETC.

Mr. Prather presented the claims of sundry citizens of Jennings county, for losses by the Morgan Raid.

Which were referred to the Committee on Claims without reading.

Mr. Ferris presented a petition from W. A. Drapier asking that he be paid for four days services and mileage for services done the General Assembly of Indiana, at the special session of 1865, in preparing a calendar of business.

Which was referred to the Committee on Claims without reading.

The Speaker laid before the House a communication from Mrs. Emma Pentecost, praying that she be allowed twenty-five dollars and twenty-five cents for the use of a room in the Oriental House, as a committee room, at the regular session of the State of Indiana, in the year 1865.

Which was referred to the Committee on Claims without reading.

The Speaker laid before the House the following communication :

HEADQUARTERS, POST No. 1,  
 DISTRICT OF MARION DEPARTMENT, INDIANA,  
 GRAND ARMY OF THE REPUBLIC,  
 Indianapolis, Feb. 18, 1867. }

HON. D. C. BRAMHAM,

*Speaker of the House of Representatives :*

SIR: I have the honor to transmit herewith a copy of resolution adopted by this Post on Saturday evening, February 16, 1867, and for which we respectfully request the consideration of the General Assembly.

Very respectfully, your obedient servant,

JOHN J. BISHOP, *Post Adjutant.*

At a meeting of Post No. 1, District of Marion Department, Indiana, G. A. R., held Saturday evening, February 16, 1867, the following resolution was adopted and directed to be transmitted to the General Assembly :

*Resolved*, That this Post respectfully but earnestly request the General Assembly of the State of Indiana to continue the Indiana Military Agencies, at Washington and at Indianapolis, for the present year, for the benefit of soldiers and their widows and orphans.

A true copy from the minutes.

JOHN J. BISHOP, *Post Adjutant.*

Which was referred to the Committee on Military Affairs.

Mr. Brucker, by consent offered the following resolution :

*Resolved*, That the Committee on the State Prison South be allowed a clerk, from February 19 to February 21—until the report of said Committee shall have been prepared.

Which was agreed to.

By Mr. Wolfer,

A petition from sundry ladies of Warren county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

## REPORTS FROM STANDING COMMITTEES.

Mr. Newcomb, from the Committee on Ways and Means, made the following report :

MR. SPEAKER :

The Committee on Ways and Means, to whom was referred House bill No. 263—a bill to amend section 104 of an act entitled “an act to provide for the valuation and assessment of real and personal property, and regulating the fees of County Treasurers, for the collection of delinquent taxes”—have had the same under consideration and direct me to report the same back to the House, and recommend that it lay on the table.

Which was concurred in.

Mr. Newcomb, from the Committee on Ways and Means, made the following report :

MR. SPEAKER :

The Committee on Ways and Means, to whom was referred House bill No. 252—a bill to amend the fourth subdivision of section 6 of an act entitled “an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of Township Assessors, and prescribing the duties of Assessors, Appraisers of real property, County Treasurers and Auditors, and the Treasurer and Auditor of State,” approved June 21, 1852—have had the same under consideration and direct me to report the same back to the House, and recommend its passage.

Which was laid on the table.

Mr. Miller, from the Committee on Ways and Means, made the following report :

MR. SPEAKER :

The Committee on Ways and Means, to whom was referred House bill No. 15, being an act entitled “an act to carry out the provisions of an act entitled, an act to create a State Normal School, and declaring an emergency, approved December 20, 1865,

and to appropriate the funds necessary for the erection and furnishing of the State Normal School, and providing from what funds the same shall be taken and appropriated," introduced by Mr. McLean, of Vigo—have had the same under consideration and have directed me to report the same back to the House, with the following amendment, and, when so amended, respectfully recommend its passage:

Amend by striking out all after the enacting clause and insert the following:

That in order to carry out the provisions of an act entitled "an act to create a State Normal School, and declaring an emergency," approved December 20, 1865, and to establish said Normal School, and erect and furnish the buildings necessary for said Normal School, there shall be appropriated and paid out of the Township Library Fund, assessed and collected for the years 1865 and 1866, in pursuance of sections 131 and 132 of an act entitled "an act to provide for a general system of common schools, the officers thereof and their respective duties and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment of and regulation of township libraries, and to repeal all laws inconsistent therewith, providing the penalties therein prescribed," approved March 6, 1865, the sum of fifty thousand dollars, which said sum, together with the sum of twenty-five thousand dollars to be paid out of the Common School Fund, for the year 1867, shall be drawn from the treasury, upon the order of the Board of Trustees of the Indiana State Normal School, and expended under their direction and supervision for the purpose of erecting the building or buildings necessary for the said State Normal School and for the proper furnishing of the same.

SEC. 2. It is further provided herein that the said second sum of twenty-five thousand dollars above named, to be appropriated out of the said Common School Fund for the year 1867, shall be appropriated only upon the certificate of the said Board of Trustees of said Indiana State Normal School, made to the State Board of Education; that the building or buildings, and the proper furnishing of the same, is wholly contemplated in pursuance of the plan, design and specifications submitted by the architect of the same, J. A. Vry-

dagh, which said plan of said State Normal School, with the specifications aforesaid, is hereby adopted as the plan, design and specifications of the same, and that no further or additional appropriation whatever be made for said purpose.

SEC. 3. It is further provided, that no part of the above appropriation shall be paid until the plan, design and specifications of the said Indiana State Normal School, referred to in the above section, is filed in the office of the Auditor of State; *and further provided*, That no part of said appropriation shall be drawn or paid to the Board of Trustees of said Normal School, by the proper officers of State, until the opinion of the Attorney General shall have been filed with the said Auditor of State, showing that the title to the land donated by the city of Terre Haute was vested by a good and sufficient deed in fee simple, and free from all incumbrances, to the said Board of Trustees of said State Normal School, and that the city of Terre Haute shall further undertake and enter into an agreement to complete and furnish said Normal School building or buildings at their own expense over and above what it may require to furnish the same if said expense shall exceed the amount of the above appropriation of seventy-five thousand dollars, together with the subscription of the sum of fifty thousand dollars heretofore subscribed by the city of Terre Haute to secure the location of said Normal School at that point; and further, to forever maintain and keep up one-half of the necessary repairs incident to keeping in proper order the building or buildings and the grounds of the same, which said obligation or agreement shall also be filed with the Auditor of State, and being so filed, the said Auditor is hereby authorized to draw his warrant upon the Treasurer of State for the sums so appropriated as above directed, and not otherwise.

Which was laid on the table.

Mr. Woods from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 257—"a bill relieving certain officers from the custody of useless papers"—have had the same under consideration and have directed me to report that in the opinion of the Committee legislation on

the subject is inexpedient and to recommend that the bill be indefinitely postponed.

Which was concurred in.

Mr. Wood, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 211—a bill authorizing hydraulic companies to appropriate lands to their use upon paying the assessed value thereof, and providing for such assessment—have examined and considered said bill, and a majority of the Committee have directed me to report the same back to the House without amendment and recommend its passage.

Which was laid on the table.

Mr. Daggy, from the Committee on the Judiciary, to whom was referred House bill No. 27, have had the same under consideration, and directed that House bill No. 295 be so amended as to make its provisions applicable to incorporated towns, and with such amendment that the same be substituted for said bill No. 27.

Amendments to House bill No. 295:

In section one, line two, after the word "city" insert "or incorporated town."

In said section one, line fourteen, after the word "city" insert "or incorporated town."

In section one, line sixteen, after the word "city" insert "or the trustees of such incorporated town."

In section one, line twenty-three, after the word "city" insert "or town."

In section one, line thirty-six, after the words "Common Council" insert "or trustees of such incorporated towns."

In section three, line one, after the word "cities" insert "or towns."



In section three, line four, after the word "cities" insert "or incorporated towns."

In section three, line eight, after the word "city" insert "or town."

In section three, line twelve, after the word "city" insert "or town."

In section three, line thirteen, after the word "city" insert "or town."

In section three, line sixteen, after the word "Council" insert "or trustees of each town."

In section three, line twenty, after the words "Common Council" insert "or trustees of such town."

In section three, line twenty-four, after the word "city" insert "or town."

Which was laid on the table.

Mr. Wason, from the Committee on Education, made the following report:

MR. SPEAKER:

The Committee on Education, to whom was referred House resolution No. 27, have had the same under consideration, and respectfully beg leave to report that further legislation is unnecessary for the reason that the subject matter is embraced in a House bill now pending, and consequently no further action is necessary.

Which, on motion by Mr. Newcomb, was laid on the table.

Mr. Stafford, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the claims of James Blake for services as Marshal on the part of the citizens of Indianapolis in the reception of Veteran Regiments and Batteries for the years 1864 and 1865, have instructed me to report that in their opinion Jas. Blake served quite a number of days in the cause of his country, in the reception of Veteran Regiments and Batteries, for which he is entitled to the thanks of Indiana; but as many

hundreds of others have spent much time and money that have been devoted to the cause of their country without expectation of pay other than the grateful remembrance of a common country; and, whereas, in the opinion of the Committee it would be unwise and without the authority of law to allow such claims, they therefore recommend that the same be not allowed.

Which was concurred in.

Mr. Evans, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills have carefully examined Engrossed House bill No. 23, and find the same correctly engrossed.

Mr. Stewart, from the Select Committee on a House of Refuge for juvenile offenders, made the following report:

MR. SPEAKER:

The Select Committee to whom was referred Senate bill No. 161—establishing a House of Refuge for the correction and reformation of juvenile offenders—would report the same back to the House without amendment and recommend its passage.

Which was laid on the table.

Mr. Woods, from the Select Committee on Congressional Apportionment, made the following report:

MR. SPEAKER:

The Committee to whom was referred Senate bill No. 1—entitled “an act to divide the State into Congressional Districts—have had the same under advisement, and a majority thereof have directed me to report the same back to the House, and recommend the following amendments:

Strike out the words “Monroe and Lawrence,” where they occur in section seven, and insert in lieu thereof the words “and Putnam.”

Strike out the words "and Putnam," from the eighth section, and insert in lieu thereof the words "Monroe and Lawrence," and when so amended, recommend its passage.

Which was laid on the table.

Message from the Senate by Mr. Wilson, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following Engrossed Senate bill thereof, to-wit:

Senate bill No. 2, entitled "a bill to provide for the registry of voters, and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and the form of the ballots, and providing compensation for services of such officers," in which the concurrence of the House is respectfully requested.

#### INTRODUCTION OF BILLS, RESOLUTIONS, ETC.

Mr. Wilson offered the following resolution:

WHEREAS, There is a large drift accumulated in the east fork of White river, where the Wabash and Erie canal crosses said stream, occasioned by the piers built in the bed of the river in the construction of said canal across the same, which drift obstructs, and has entirely destroyed the navigation of said river by flat boats, to the serious injury of a large portion of the citizens of the State;

AND WHEREAS, Said Wabash and Erie canal, or so much thereof as lies south of Terre Haute, has been suffered and permitted to go into disuse; therefore,

*Resolved*, That the Committee of Ways and Means be instructed to inquire into the constitutionality and expediency of appropriating by law, out of the State Treasury, a sum sufficient to remove said drift and permanently restore the navigation of said river, and that said committee report by bill or otherwise.

Which was agreed to.

Mr. White offered the following resolution:

*Resolved*, That a special committee of one from each Congressional District be appointed for the purpose of inquiring into the propriety and legality of selling lot No. 25, in the city of Indianapolis, known as "University Square," and consolidating the proceeds thereof with the "Agricultural College" endowment grant, made by Congress, for the endowment and use of an Agricultural State University, and provide in connection therewith a State Normal School department, locating the same at or near the city of Indianapolis, and report by bill or otherwise.

Mr. Spencer offered the following amendment:

Insert after the fourteenth line, the following, "provided that the city of Indianapolis give the largest amount of money or its equivalent for a site, for such agricultural college."

Which amendment was accepted by Mr. White.

Mr. Ross offered the following:

*Resolved by the House, the Senate concurring*, That his excellency, the Governor, be authorized to appoint some suitable and competent person to ascertain by examination of the records and otherwise, what lots or parts of lots, squares, plats or parcels of ground, or real estate of any description, being part of the four sections of land granted by the United States to the State of Indiana, upon which to locate her seat of government, yet belongs to said State; whether such property is now used for any, and if so, for what purpose; whether the State has dedicated any of such property to any specific object, and if any, what; and whether any or all of said property can be sold by the State without the violation of any vested rights; and that the results of such investigation be laid before the next Legislature.

Which was passed over informally.

Message from the Senate, by Mr. Wilson, their Secretary:

MR. SPEAKER:

I am directed by the President of the Senate to present to the Speaker of the house, for his signature, the following enrolled Senate act, to-wit:

Enrolled Senate act No. 5, entitled an act to amend an act entitled an act to amend an act entitled an act to fix the salary of the State Librarian, and repealing all former laws conflicting therewith, and to dispense with an Assistant Librarian and clerk, approved March 4, 1859; and also increasing the powers and duties of the State Librarian, approved December 20, 1865, and supplemental section fixing the term of office of the State Librarian, and the time when the same shall commence.

Mr. Newcomb moved to suspend the order of business to take up Senate bill No. 1—the Congressional Appointment bill.

No quorum voting, the Speaker ordered a call of the House.

The following members answered to their names :

Messrs. Baker Barritt, Belford, Bischof, Black, Blanch, Bobo, Brucker, Campbell, Corey, Crain, Daggy, Danaldson, Dunn, Edmonson, Ervin, Evans, Ferris, Foulke, Fuller Geisendorff, Greer, Griggs, Hartman, Hamilton, Higgins, Hopkins, Honneus, Hostetter, Hudson, Hughes, Hungate, Inman, Kiser, Litson, Long, of Kosciusko, Lopp, Mason, M'Clasky, McFadin, McLean, McMurray, Miller, Newcomb, Newland, O'Neil, Prather, Ratliff, Ross, Sabin, Shanks, Shields, Shook, Shoeff, Smith of Lagrange, Smith of Wabash, Spencer, Stackhouse, Stafford Stewart, Tebbs, Thacher, Thomas, Vawter, Wason, Wilson, White, Wolfe, Wolfer, Woods, Wright and Mr. Speaker—72.

On motion, the further call of the House was dispensed with.

Senate bill No. 1.—A bill to divide the State into Congressional Districts, was then taken up and read a second time.

The amendment heretofore reported by the Special Committee on Congressional Apportionment was read—the question being on the adoption of the Amendment.

Messrs. Vawter and Hungate demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Belford, Bischof, Blanch, Brucker, Campbell, Crain, Daggy, Danaldson, Dunn, Ervin, Evans, Ferris, Foulke, Geisen-

dorff, Greer, Griggs, Hartman, Hamilton, Higgins, Hopkins, Hughes, Litson, Long of Kosciusko, Mason, McClasky, McLean, McMurray, Miller, Newcomb, Prather, Ratliff, Sabin, Shook, Smith of Lagrange, Smith of Wabash, Spencer, Stafford, Stewart, Thomas, Wason, Wilson, Wolfer, Woods, and Mr. Speaker—44.

Those who voted in the negative were,

Messrs. Baker, Barritt, Black, Bobo, Corey, Edmonson, Honneus, Hostetter, Hudson, Hungate, Inman, Kiser, Lopp, Matthis, McFadin, Newland, O'Niel, Ross, Shanks, Shields, Shoaff, Stackhouse, Tebbs, Vawter, White, and Wolfe—26.

So the amendment was agreed to.

Mr. Baker offered the following amendment:

Strike out the word "Perry" in the first section and insert, in lieu thereof, the word "Martin."

Strike out the word "Martin" from the second section and insert, in lieu thereof, the word "Perry."

Mr. Newcomb moved to lay the amendment on the table.

Messrs. Baker and Honneus demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Belford, Bischof, Blanch, Brucker, Campbell, Crain, Daggy, Danaldson, Dunn, Ervin, Evans, Ferris, Foulke, Geisendorff, Greer, Griggs, Hartman, Hamilton, Higgins, Hopkins, Hudson, Hughes, Litson, Long of Kosciusko, Mason, McClasky, McLean, McMurray, Miller, Newcomb, Prather, Ratliff, Sabin, Shook, Smith of Lagrange, Smith of Wabash, Spencer, Stafford, Stewart, Thomas, Wason, Wolfer, Woods, and Mr. Speaker—44.

Those who voted in the negative were,

Messrs. Baker, Barritt, Black, Bobo, Corey, Edmonson, Fuller, Hays, Honneus, Hostetter, Hungate, Inman, Kiser, Lopp, McFadin, Newland, O'Neil, Ross, Shanks, Shields, Shoaff, Stackhouse, Tebbs, Thacher, Vawter, and Wolfe—26.

So the amendment was laid on the table.

Mr. Edmonson offered the following amendment:

Strike out Dubois county from the Second Congressional District and attach said county to the First Congressional District, and strike out Perry county from the First Congressional District and attach said county to the Second Congressional District.

Mr. Belford moved to lay the amendment on the table.

Messrs. Lopp and Baker demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Belford, Bischof, Blanch, Brucker, Campbell, Crain, Daggy, Danaldson, Dunn, Ervin, Evans, Ferris, Foulke, Geisendorff, Griggs, Hartman, Hamilton, Higgins, Hopkins, Hudson, Hughes, Litson, Long of Kosciusco, Mason, McClasky, McLean, McMurray, Miller, Newcomb, Prather, Ratliff, Sabin, Shook, Smith of Lagrange, Smith of Wabash, Spencer, Stafford, Stewart, Thomas, Wason, Wolfer, Woods, and Mr. Speaker—44.

Those who voted in the negative were,

Messrs. Baker Barritt, Black, Bobo, Corey, Edmonson, Hays, Honneus, Hostetter, Hungate, Inman, Kiser, Lopp, Matthis, McFadin, Newland, O'Niel, Ross, Shanks, Shields, Shoaff, Stackhouse, Tebbs, Thacher, Vawter, White, and Wolfe—28.

So the amendment was laid on the table.

Mr. Honneus offered the following amendment:

Strike out from the second section the word "Jackson" and insert instead thereof the word "Lawrence."

Strike out from the fourth section the word "Lawrence" and insert the word "Jackson" instead thereof.

Mr. Newcomb moved to lay the amendment on the table.

Messrs. Baker and Wolfe demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Belford, Bischof, Blanch, Brucker, Campbell, Crain, Daggy, Danaldson, Dunn, Ervin, Evans, Ferris, Geisendorff, Greer, Griggs, Hartman, Hamilton, Higgins, Hopkins, Hudson, Hughes, Litson, Long of Kosciusco, Martin, Mason, McCarthy, McClasky, McLean, McMurray, Miller, Newcomb, Peelle, Prather, Ratliff, Sabin, Shook, Smith of Lagrange, Smith of Wabash, Spencer, Stafford, Stewart, Thomas, Wason, Wilson, Wolfer, Woods, Wright, and Mr. Speaker—47.

Those who voted in the negative were,

Messrs. Baker, Barritt, Black, Bobo, Corey, Edmonson, Fuller, Hays, Honneus, Hostetter, Hungate, Inman, Kiser, Lopp, Matthis, McFadin, Newland, O'Neil, Ross, Shanks, Shields, Shoaff, Stackhouse, Tebbs, Thacher, Vawter, White, and Wolfe—29.

So the amendment was laid on the table.

The question being on ordering the bill to a third reading.

Mr. Newcomb moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

So the bill passed to a third reading on to-morrow.

The Speaker announced that he had signed Enrolled Act No. 5.

Mr. Campbell moved to take up

House bill No. 293. A bill fixing the time of holding the Circuit Courts in the Fifth Judicial Circuit.

Which was read a second time.

Mr. Newcomb moved to amend by allowing the court to sit in Marion county as long as business shall require it.

Which was agreed to.

Said bill was ordered to be engrossed.



A message from the Governor by Mr. Commons, his Private Secretary.

MR. SPEAKER:

I am directed by Governor Baker to transmit herewith a message recommending the passage of a statute to regulate the arrest and surrender of fugitives from justice from other States and Territories.

Mr. Moore obtained leave of absence until Thursday next.

On motion by Mr. Shoaff, the House adjourned.

TUESDAY MORNING, 9 O'CLOCK, }  
February 19, 1867. }

The House met.

On motion by Mr. Kiser, the reading of the Journal was dispensed with.

PETITIONS, MEMORIALS, CLAIMS, ETC.

By Mr. Hamilton,

Three petitions from sundry citizens of Marion county, asking for a prohibitory liquor law.

Which were referred to the Committee on Temperance, without reading.

By Mr. Baker,

A petition from sundry citizens of Knox county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. Lopp,

A claim of T. J. De La Hunt for \$800 for services as a member of the Sinking Fund Investigating Committee.

Which was referred to the Committee on Claims without reading.

By Mr. Shook,

A petition from sundry citizens of Ripley county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. Hamilton,

A petition from sundry citizens of Marion county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. Barritt,

A petition from sundry citizens of Bartholomew county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

By Mr. McClasky,

A petition from sundry citizens of Montgomery county, asking for a prohibitory liquor law.

Which was referred to the Committee on Temperance without reading.

#### REPORTS OF STANDING COMMITTEES.

Mr. Daggy, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 232—a bill to amend section seven of an act entitled “an act prescribing the powers and duties of Justices of the Peace in State prosecutions,” approved May 29, 1852—have considered the same, and a majority of said committee have directed me to report said bill back, with a recommendation that it do not pass.

Which was concurred in, and the bill indefinitely postponed.

Mr. Daggy, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 217—a bill concerning tax sales, and to limit the time within which actions may be brought to set aside, vacate or annul such sales, or

deeds made in pursuance thereof, or to recover possession of real estate so sold—have had the same under consideration, and a majority of the committee have directed me to report said bill back to the House, and recommend that it be indefinitely postponed.

Which was concurred in, and the bill indefinitely postponed.

Mr. Woods, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 169—a bill to establish an Insurance Department, to create the officers necessary to its existence, to define their duties, to define the duties of insurance companies in connection therewith, to create penalties for non-compliance with the law, and to repeal laws inconsistent therewith—have duly considered said bill, and are of the opinion that legislation on this subject is inexpedient, and have directed me to report the same back, and recommend its indefinite postponement.

Which was concurred in, and the bill indefinitely postponed.

Mr. Woods, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 218—a bill to regulate the taxation of costs in certain cases—have had the same under consideration and directed me to report the same back to the House, without amendment, and recommend its passage.

Which was laid on the table.

Mr. Woods, from the Judiciary Committee, made following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred Senate bill No. 8—a bill to provide for the care and custody of the person

and estate of habitual drunkards—have had the same under consideration and directed me to report the same back, without amendment, and recommend its passage.

Which was laid on the table.

Mr. Griggs, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

The Judiciary Committee, to whom was referred Senate bill No. 12—a bill for the correction of mistakes in conveyances where a married woman is a party—have had the same under consideration, and directed me to report the same back and recommend that it be indefinitely postponed.

Which was concurred in, and the bill indefinitely postponed.

Mr. Miller, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

The Committee on the Judiciary, to whom was referred House bills Nos. 160 and 224—being bills each providing for the leasing of the Southern State Prison, have made one amendment to bill No. 160, and which, if adopted, will make said bills precisely similar, except as to the names of the lessee, and in the opinion of your Committee the rights and interests of the State are properly and sufficiently guarded and protected. I am directed by the Committee to report both bills back to the House for its action, without any recommendation as to leasing said prison, nor as to whom the lessee should be; and the Committee ask to be discharged from the further consideration of said bills.

Amend House bill No. 160 by striking the same out from the enacting clause and inserting in lieu thereof the following :

That the Southern State prison, located at Jeffersonville, Clarke county, together with the prison grounds, appurtenances thereto, and all the labor of the convicts now or hereafter confined, are in consideration of the covenants herein contained, hereby leased to Samuel H. Patterson of said State, his heirs, executors, adminis-

trators and assigns, for the period of ten years from and after the eleventh day of March, 1867, unless said lease shall be sooner annulled for the reasons hereinafter specified, and upon the following terms and considerations, to-wit: The said lessee shall take said property, subject to all existing contracts made by the directors of said prison, for the labor of the convicts; said lessee shall perform all the duties and assume all the liabilities now devolving on the the State in connection with the contracts for the hire of said convicts; and shall have all the income and profits arising from said contracts which would otherwise hereafter come to or belong to the State; said lessee shall take all the personal property of the State appurtenant to said prison at the full appraised value thereof, which appraisement shall be made in the manner hereinafter provided.

Section 2. In consideration of the covenants on the part of the State, herein contained, the said lessee shall furnish, at their own cost, the necessary number of Guards, a Warden, Deputy Warden, Physician, and Moral Instructor for said prison, which said officers shall perform their duties respectively in accordance with the rules, regulations, and laws now existing, or that may hereafter be adopted and enacted, so far as the same may be applicable thereunto, and not inconsistent with the terms of this lease; said lessee shall also properly feed and clothe the convicts therein, and shall furnish all necessary beds and bedding for the cells, and shall furnish all necessary medicine and medical attendance for the convicts under their charge and control; and shall, at all times, as kindly and humanely treat said convicts as the proper police regulations and discipline of said prison will authorize; and they shall keep the State harmless and free from all expenses and liabilities by reason of the items specified in this section.

Section 3. The said lessee shall enter into a bond, payable to the State of Indiana, in the penal sum of fifty thousand dollars, with freehold sureties to be approved by the Governor, and conditioned for the faithful performance and discharge of the duties and responsibilities imposed upon them by this act, which bond shall be executed within thirty days after the passage of this act, and filed in the office of the Secretary of State; the said bond shall be renewed, with new and additional sureties, upon the demand of the Governor, whenever, in his opinion, the interests of the State shall require it.

Section 4. The Warden of said prison shall be appointed by the said lessee, his representatives or assigns, by and with the advice and approval of the Directors of said prison, and subject to existing laws and regulations, and all laws and regulations hereafter enacted and adopted, so far as the same may be applicable to, and not inconsistent with the terms of this lease; and the said Warden shall hold his office at the pleasure of said lessee, his representatives or assigns, and within the period of this lease, unless sooner removed by the Directors for cause, which cause shall be entered upon the journal of said prison; and before entering upon the discharge of the duties of his office, he shall take an oath to faithfully perform his duties, and to obey all laws and regulations applicable thereto; no person appointed as Warden in accordance with the provisions of this section, shall be deemed ineligible by reason of his being a party in interest in the business or labor of said prison.

Section 5. The said lessee shall provide a competent physician and moral instructor for said prison, by and with the advice and approval of the directors, who shall hold their offices during the pleasure of the Board of Directors and without expense to the State; and all other officers and employees connected with the police and domestic management of said prison, shall be appointed and removed by, and at the pleasure of said lessee or his successors in interest.

Section 6. All laws now existing, or that hereafter may be enacted by the General Assembly of the State, respecting the police and management of said prison, and not inconsistent with the terms of this lease, shall have full force as against said lessee and his successors in interest.

Section 7. The appraisement provided for in the first section of this act shall be made by three disinterested freeholders of this State, one of whom shall be appointed by the directors of said prison, another by said lessee, and the third by two persons thus selected, who shall, before proceeding to make such appraisement, take an oath to faithfully and impartially appraise such personal property as may belong to the State in connection with said prison; and said appraisers shall make an inventory in duplicate of said property, the original of which shall be filed in the office of the Secre-

tary of State, and the duplicate with said lessee, and if the appraisers thus provided shall fail to perform said duty within twenty days after the commencement of this lease, then it shall be competent to select other appraisers upon the conditions herein provided for.

Section 8. Upon the expiration of this lease, or the annulment of the same, as hereinafter provided for, the said lessee, his representatives or assigns, shall deliver on the prison grounds an amount of personal property, suitable for the use of the prison, equal in value to that received by them from the State, the same to be determined by the appointment of three disinterested freeholders of the State, who shall be selected as provided for in section seven of this act.

Section 9. The said lessee shall keep the library of said prison in as good condition as he receives it, and shall make such additions to it, from time to time, for the convenience and instruction of the convicts, as the directors may require.

Section 10. If the lessee of said prison, under and by virtue of this act, in any wise fail to perform the conditions of this contract, or comply with the covenants of this lease, the directors of said prison, by and with the advice and consent of the Governor of the State, may annul this lease, and re-lease said prison, or manage and control the same until the next session of the General Assembly; provided, however, that nothing herein contained shall be so construed as to estop said lessee from resisting in any court of common jurisdiction the determination of any alleged violation of the terms of this lease.

Section 11. It shall be the duty of the State to make all necessary repairs and additions to the walls, cell-houses, work-shops and other buildings, from time to time, under the supervisions of the directors of said prison, or such other person or persons as may be designated by the General Assembly.

Section 12. Nothing in this act contained shall be so construed as to prevent the General Assembly from changing or designating the sub-divisions or districts of the State from which convicts shall be sent to said prison.

Section. 13. All laws in conflict with the provisions of this act are hereby repealed.



Section 14. An emergency is hereby declared to exist, and this act shall therefore take effect and be in force from and after its passage.

Which was laid on the table.

Mr. Smith, of Lagrange, presented the following report from the Judiciary Committee:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 207—a bill to amend section 405 of an act entitled “an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases,” etc.—have had the same under consideration and direct me to report the same back to the House, without amendment, and recommend its passage.

Which was laid on the table.

Mr. Smith, of Lagrange, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 176—a bill to amend section three of an act entitled “an act declaratory of the law regulating marriages, and enforcing the provisions thereof by proper penalties,” approved March 5, 1852—have considered said bill and directed me to report the same back to the House, and recommend its indefinite postponement.

Which was concurred in, and the bill indefinitely postponed.

Mr. Peelle, from the Committee on the Organization of Courts, made the following report:

MR. SPEAKER:

The committee to whom was referred Senate bill No. 40—a bill defining what counties shall constitute the Thirteenth Judicial Circuit, etc.—have had the same under consideration and instruct me to report the same back to the House with one amendment to section second, and, when so amended, recommend its passage.

Amendment to Senate bill No. 40. Add to the second section the following: "And all writs, subpoenas, venires, rules, orders of court, recognizances, publications and process whatever, which may have issued from said court in said counties, or which may hereafter be issued previous to the commencement of said terms as herein provided, shall be and are hereby made returnable to the first day of the term of said courts respectively, to be holden as provided in this act."

Which was laid on the table.

Mr. Peelle, from the Committee on the Organization of Courts, made the following report:

MR. SPEAKER:

The committee to whom was referred Senate bill No. 42—a bill defining what counties shall constitute the Seventh Judicial Circuit, etc.—have had the same under consideration and instructed me to report the same back to the House with an amendment to section two, and when so amended to recommend its passage.

Which was laid on the table.

Mr. Corey, from the Joint Committee on Education and Agriculture, made the following majority report:

MR. SPEAKER:

The committee to whom was referred House bill No. 214, creating and establishing, and providing for the maintenance and management of four Colleges of Agriculture and the Mechanic Arts, have had the same under consideration and a majority of the committee have instructed me to report the same back to the House, with the recommendation that it do not pass.

Mr. Wason, from the Joint Committee on Education and Agriculture, made the following minority report:

We, the undersigned, a minority of the Joint Committee on Education and Agriculture, beg leave to make the following report about the best use of the Agricultural College Fund.

We feel that Congress, in good faith, has made a generous grant of the people's land for the benefit of the industrial classes in the

loyal States. We also feel that the grant is too sacred to be trifled with or placed where success is doubtful.

We differ with the majority of the committee who wish to establish an Agricultural College somewhere hereafter to be determined. Several places are offering inducements for the sake of securing its location. Our objections to such use of the funds are these :

First. The establishment of a purely Agricultural College, judging from the fate of such institutions elsewhere, must, with us, prove a failure, for we do not claim superior wisdom to other States, nor do we claim that the elements of society are so different with us, that we may hope to succeed where others have failed. It is neither wisdom nor prudence to follow in a path so full of dangers again. It is said we will establish an Agricultural College on a different basis from any hitherto projected. To say the best of such an institution, it is an experiment, and we can not consent to experiment with funds sacredly set apart for a noble purpose. Theories look very plausible on paper, but when reduced to practice they look very differently.

The third and only plan that can hope to succeed, is to establish a Literary and Scientific College in connection with an agriculture department. Establish such a college as the experience of two hundred years in our own land now demand. This is the view that Liebig, the prince of agriculture and mechanics art, takes on this subject. We may learn some things from the experience and practice of the old world, if we do not others.

The establishment of a college with an agricultural department, is nothing more nor less than the creation of another State University, which no man, in his sober second thought, would advise. For thirty years the State has had hard work to maintain any college and keep it up to a respectable standing point. It would be neither wise nor generous to create a rival to the State University at Bloomington. Instead of doing that, it would be far better, if the fund must be kept together, to use it in connection with the State University, or with some well endowed prosperous college.

We differ from the majority of the committee about keeping the fund together. We go on the principle to secure the greatest good to the greatest number. To use the interest of the entire fund in connection with any one college, we could not reasonably expect that the number of students would be permanently doubled. This

would secure agriculture advantages to only about four hundred students, while if it was used in connection with five colleges it would be beneficial to about one thousand, without any increase of numbers. There is a difference of more than half, not to estimate the increase of numbers. It is an ascertained fact that not half of those that attend our Western colleges ever graduate and enter a profession. They return to the farm, the shop and the various pursuits of life. It may be said that the fund can not be as useful when divided; that is a matter of opinion at first, and observation afterwards, when we take into consideration the competition that must necessarily take place. We do not believe that continued division would increase the good like homeopathic medicine. There is a limit to it.

It is said that most of the colleges are denominational, therefore we will have nothing to do with them. We can not ignore the fact that that is the very element of their success. They grow and flourish, while State institutions languish. More than nine-tenths of the flourishing colleges in our land are denominational and will ever be so while human nature remains the same. There is a powerful denominational influence persuading all society, good and bad—an elective affinity which will draw money into the treasury and students to institutions of learning. We do not say whether this is right or wrong. The past exist, and no power of a Legislature can alter it. We are to take variety as it exists, and not as we would like to have it, when we legislate on any subject. We donate money to create a magnificent University, but we can not compel the attendance of students. We recommend the division of the interest arising from the agriculture fund to the various colleges, not to benefit them, for that is doubtful, but to place it where it will not be an experiment of doubtful success. By so doing, we believe that great good is certain to be accomplished, if not the greatest possible good. Time only will show that. Of one thing we are certain, that good, if not greatest good, will be brought to bear upon the greatest number of minds.

Acting under these views, we recommend the following amendments to House bill No. 214, and when so amended, we recommend its passage:

Second line in title of bill change "four" to "five," and at the end of sixth line add "Hanover."

Section one, line two, for "four" read "five," and add to line seven "Hanover."

Section one, line seven, after Indiana University add "Honover College."

Section eleven, at end, add "and further, that said Board of Regents may, annually, at the close of the college year, invite such of the students attending such of the college hereby established, or shall have completed such portion of the course of instruction, or shall be specified in the invitation to meet at the hall in the city of Indianapolis, a public examination, so as to test the thoroughness with which they have matured said portion of study."

Section eighteen, at end, add "and further, if after a trial of ten years, the General Assembly shall deem it best for the interest of the industrial classes to establish one separate college, they may withdraw the said interest from the college herein created."

Mr. Campbell moved to make both reports, and all bills on the subject, the special order for Thursday next at 10 o'clock A. M.

Which was agreed to.

Mr. Miller, from the Committee on Sinking Fund, made the following report:

MR. SPEAKER:

The Committee on the Sinking Fund, to whom was referred Senate bill No. 102, have had the same under consideration and direct me to report the following amendment:

Strike out the words "five thousand" in the third section, and insert "thirty-five hundred."

Strike out of the same section the word "treasury" and insert "said sinking fund."

Strike out the words "upon the warrant of the Auditor."

Strike out all of the sixth section after the words "Sinking Fund" and insert the following: "shall, as soon as the same can be done, be invested by the Auditor, Treasurer, Secretary of State and Governor, in the five and two and one-half per cent. stocks of the State, by purchasing the same on the best terms on which they can be obtained in the market, and a bond given in lieu of the

stocks purchased in favor of the common school fund as provided in an act entitled 'an act to provide a State debt sinking fund,' &c., approved December 21, 1865.

Add to section four, line six, second page, the following: "provided that such right shall not be forfeited if the mortgager, his heirs, assigns, or personal representatives shall pay the installment due, and all damages, costs and interests, and one year's interest in advance, within the time allowed for the redemption of lands sold by virtue of the provisions of this act, or the acts governing sinking fund lands in force on the 20th day of January, 1867."

Which was laid on the table.

Mr. Stewart. from the Committee on Benevolent Institutions, made the following report:

MR. SPEAKER:

The Committee on Benevolent Institutions have considered matters connected with the same, and direct me to make the following report:

Those Institutions, with the fostering care of the State, have risen to a prominence where they demand the careful oversight of the Legislature, and your Committee have endeavored to give the matter the consideration which the importance of the subject demands. This necessity for full consideration arises not only from the fact that they are pensioners on the Treasury of the State, and drew largely from her funds, but the condition of the unfortunate inmates appeal with a voice that cannot be unheeded to the humane and Christian sympathy and care of the Legislature; and we, with no small degree of State pride, point to these institutions as they stand before us the exponents and outgrowths of the noble Christian power of the age.

The management and care of these institutions for the two last years, to which our attention has been called, appears to have been well directed and resulted in affording all the comfort to the inmates which the means at command could control.

It must appear evident to any one, who will take the pains to inform himself, that the accommodations at the Insane Hospital are entirely insufficient for the care and comfort of all this class of our unfortunate fellow beings. The accommodations extended to

their utmost capacity will receive about 300 patients, but such has been the demand that even more than this number has been admitted to the Hospital during the last year. The condensed history will sum up as follows:

At the close of the fiscal year, we had remaining in the Institution 127 males and 135 females, making a total of 262.

During the year we admitted 133 males and 108 females.

The whole number of patients, therefore, under treatment, during the year were 260 males and 243 females, making a total of 503.

Discharged, cured during the year, 69 males and 54 females. Total, 123.

Improved, 16 males and 12 females.

Unimproved, 24 males and 28 females.

Died, 14 males and 9 females.

Total discharged, 230.

Remaining in the Hospital at the end of the year, 133 males and 140 females, making a total of 273.

The greatest number in the Hospital at any one time was from June 29 to June 30, when there were 324.

The smallest number during the year was from November 1 to November 2, when there were 261.

The smallest number of males 127, the smallest number of females 134.

The greatest number of males 167, the greatest number of females 155.

Whole number of applicants for admission during the year, 334.

Summer capacity of Hospital, 280.

Hospital disbursements for current expenses during the year, \$59,339.84.

Total time spent by patients in Hospital (in days), 105,873.

Average daily number of patients in Hospital, 290,6-100.

Cost per capita per year, 204.54.

Cost per capita per week, 392, 28-100.

Cost per capita per day, 56,4-100.

The Superintendent, Dr. Wilson Lockhart, has filled his responsible position with credit to himself and honor to the Institution, evincing good judgment and great care in the treatment of patients.

The wards and rooms, as also the bedding of the Hospital, are tidy and neat.

The patients are well fed, well clothed and every way as comfortable as the inadequate accommodations and their unfortunate condition of body and mind will admit with the means at his disposal.

Your Committee feel that the general management of the Hospital reflects credit on the Superintendent and Steward, and the unfortunate victims of insanity have been properly cared for. Your Committee is pleased to note improvements in the grounds surrounding the Institution, and that the farm attached thereto has been so managed as to yield a handsome income.

To defray the current expenses of the Hospital for the next two years from the first of March, 1867, we recommend that there be appropriated from the Treasury the sum of one hundred thousand dollars. Fifty thousand for the year 1867, and the same amount for the year 1868. In view of toning down the prices of many of the articles of consumption for the sustenance of the Hospital, it is hoped with such a deduction of the appropriation of the former two years there may be enough to carry through for all legitimate expenditures.

The Legislature, at the special session of 1865, appropriated \$35,000 for the erection of a building for the incurable insane. This sum was thought sufficient, and was placed at the disposal of a special Board, consisting of the Governor, Treasurer of State and the Board of Commissioners of the Hospital for the Insane. This Board, as they claim, under the advice of the Attorney General of the State, diverted this fund from the specific object, and applied a large portion in laying a foundation for the construction of a north wing, corresponding to the south wing of the Institution. Of the propriety and wisdom of this diversion, your committee express no opinion. We are, nevertheless, satisfied that the proper care of the patients, now in the Institution, and those who would seek the home, if the accommodations were extended, demand more room, and this necessary room could probably be secured by the erection of the contemplated north wing, more economically than in any other way. Still we do not presume to pronounce on the action of the special board in the matter, but submit to your wisdom to approve or disapprove.



Should the Legislature decide to carry out the plan of the board (to which your committee feel disposed to yield,) the accommodations of the hospital would be extended to the capacity of between five and six hundred patients, which is as large a number as experience has shown to be best to place in any one hospital. We think, too, without at all taking from the convenience and comfort of the building, that the estimate may be brought down so that \$100,000 will complete it.

Your committee are impressed with the necessity of a building for a carpenter shop. The basement of the south wing is now used for that purpose. This exposes the whole structure to destruction from fire, as there must always be about such a place quantities of inflammable materials, rendering hazardous life and property. This building would, also, be a matter of economy, and with the labor of many of the patients, that might be turned to account here, greatly lessen the bills that are constantly being made for work and repairs about the building. Besides, in case of building the new wing, much of the work might be done in this shop, and materially cheapen the outlay. We would recommend an appropriation for constructing the shop.

Your committee would express their approbation in seeing that some attention has been given to amusement and recreation for the inmates of the hospital. Two small airing courts have been constructed where the patients are permitted to enjoy the fresh air, which can be no other than beneficial, both in comfort and favorable to cure. These breathing places should be much enlarged and other means of recreation introduced as part of the regular treatment of the patients. And in this connection, we cannot but speak of the necessity of having, in the hospital, means of amusement, such as billiards, bagatelle and other games, together with musical instruments—all being well calculated to divert the mind, and thus greatly multiply the probabilities of cure.

In our consideration of the matters connected with the hospital, we cannot do less than mention the aid, and many valuable suggestions we have received from Miss Dorothy Dix, who, by her devotion to the care and comfort of the unfortunate in the prisons, hospitals and battlefields of this and other lands, for more than a quarter of a century, has acquired a world-wide reputation as the "Florence Nightingale" of America. She has withheld nothing from your committee that would aid them in their labors.

The Trustees for the education of the deaf and dumb, have submitted their report for the two years past, showing the usual measure of prosperity, and that its appropriate work, in all its departments, has been thoroughly and successfully prosecuted. These statements, your committee, on examination, found fully sustained. They ask an appropriation of \$40,000 for each of the years, 1867 and 1868. We have reduced this amount to \$35,000 for each year, which we trust, with economy, may be found sufficient, unless there should be a large increase of pupils beyond the attendance of the last year, which is reported at 162. We are of the opinion that \$70,000 should carry the institution through till the next meeting of the Legislature in course.

The report of the Trustees of the institute for the education of the blind, has also been laid before the Legislature, covering the operations of two years. The report shows the attendance on the privileges of this institution with satisfactory results as to progress, and the success of the plans adopted for the support and educational training of the unfortunate youth in attendance. In order to carry on this department of our noble charities, we would recommend an appropriation of 25,000 for each of the years, 1867 and 1868, and a portion of this amount is to be applied in repainting and repairing the building, in order to preserve its wood work. Your committee then recommend the following appropriations, and that they be embodied by the Committee of Ways and Means in the general appropriation bill.

Current expenses for the Hospital for the Insane for each of the years, 1867 and 1868, \$50,000—100,000. For north wing of hospital for the insane, 1867 and 1868, to complete the same, \$100,000. For carpenter shop, \$4,000.

Current expenses of the Institute for the Blind, \$50,000. Some matters not connected with this portion of the report are still under investigation, and will be presented at a future time.

Which was laid on the table, and five hundred copies ordered to be printed within six days.

Mr. Campbell moved that the report be laid on the table, and that five hundred copies thereof be printed.

Which was agreed to

Mr. Evans, from the Committee on Engrosseed Bills, made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills, to whom was referred House bills No. 81 and No. 284, have examined the same and order me to report the same as correctly engrossed.

Mr. Foulke, from the Select Committee on Legislative Apportionment, made the following majority report:

MR. SPEAKER:

The Select Committee on Legislative Apportionment, to whom was referred Senate bill No. 166—a bill to fix the number of Senators and Representatives to the General Assembly of the State of Indiana, and to apportion the same among the several counties of the State—have had the same under consideration, and a majority of the committee have instructed me to report the same back with the following amendment, and, when so amended, recommend its passage.

Amend the third section by striking out the words "Jennings and Bartholomew one," and inserting in lieu thereof, Bartholomew and Shelby one.

Which was laid on the table.

Mr. Prather, from the same Committee, made the following minority report:

MR. SPEAKER:

The Select Committee on Senatorial and Representative apportionment, to whom was referred Senate bill No. 166—on that subject—have considered the same, and a minority of said Committee direct me to report the same back, without amendment, and recommend its passage.

Which was laid on the table.

Mr. Griggs, from the Select Committee on Memorial of Nathan Brown, made the following report:

MR. SPEAKER:

The Select Committee, to whom was referred the memorial of Nathan Brown, upon the subject of milk-sickness, have had the same under consideration, and after examining certificates of character, and experiments made by the memorialist, from a large number of respectable citizens of Sullivan county, and from physicians, direct me to report favorably and recommend the adoption of the following joint resolution:

House Joint Resolution No. 17. A joint resolution to appropriate money to Nathan Brown, of Sullivan county, Indiana, for the discovery of the cause of milk-sick.

Which was read a first time, and passed to a second reading.

Mr. Prather, by consent, presented a petition from sundry citizens of Jennings county, asking for a change of the law so as to exempt widows from taxation to the amount of \$300.

Which was referred to the Committee on the rights and Privileges of the Inhabitants of the State, without reading.

#### INTRODUCTION OF BILLS, JOINT RESOLUTIONS, ETC.

Mr. Higgins introduced

House bill No. 315. A bill to provide for the incorporation of companies for the transportation of goods, wares, and merchandise upon the highways and navigable streams of this State.

Which was read a first time, and referred to the Committee on Corporations.

Mr. Kiser offered the following resolution:

*Resolved by the House of Representatives, the Senate concurring,* That there be appointed a committee, to consist of three on the part of the House, and two on the part of the Senate, whose duty it shall be to communicate with the citizens of Indianapolis, and

ascertain in what manner they wish to celebrate the 22d day of February, the anniversary of the birth-day of the Father of our Country, and that the citizens and Common Council be invited to join the General Assembly in celebrating that glorious day.

Which was not agreed to.

Mr. Foulke introduced the following:

WHEREAS, Under existing laws, railroad companies are not held to a strict accountability for the safe delivery of goods entrusted to them as common carriers; and

WHEREAS, Heavy losses are being sustained by shippers in consequence thereof; and

WHEREAS, Most of the rolling stock on said roads is heavily mortgaged, and therefore cannot be levied upon for the payment of damages to goods sustained in transportation, therefore

*Resolved*, That the Committee on Railroads be requested to report a bill enabling shippers to attach unpaid freight, bills or other effects, and hold the same for the payment of all just claims for goods damaged or lost by said railroad companies.

Which was agreed to.

Mr. Hamilton introduced the following resolution:

*Resolved*, That the Committee on the Judiciary be required to examine the fee bill, as fixed by law, in relation to the fees of clerks of Circuit and Common Pleas Courts, and report to this House as soon as practicable:

1st. How much, in their opinion, said clerks are by law allowed to charge for issuing, executing and directing the sale of property, or for issuing a fee bill for the collection of costs.

2d. What sum or amount can by law be charged for entering each case in the docket in their respective courts, and whether more than one docket entry of the same cause, and at the same time, can by law be charged for.

Which was agreed to.

Mr. Hamilton offered the following resolution :

*Resolved*, That the Committee on Fees and Salaries be required to make the following inquiries, to-wit:

1. Are Clerks of the Circuit and Common Pleas Courts charging more than fifty cents each for issuing executions directing the sale of property, or for issuing fee bills for the collection of costs.

2. Whether said Clerks are charging more than fifteen cents each for docketing causes, in their respective Courts; also, whether more than one docket entry in the same cause and at the same term are charged for, if so, how many docket entries, are so made and charged for.

3. Whether County Auditors are not charging their respective counties (and County Boards allowing said charges) with large sums annually, for services as such Auditor in making records that the law does not direct, require, authorize or contemplate, and particularly as to a certain book or record called an assessment roll.

4. Whether charges for services by said Auditors are not over estimated in the count of words, and particularly whether the printed headings on the tax duplicates and all printed matter in all other records are not included in all estimates for services rendered by said Auditors and the money accruing on said false estimates allowed by the Boards of Commissioners and paid out of the county treasury.

Said Committee shall have power to send for persons and papers, and report the result of their investigations to this House as soon as practicable.

Mr. O'Neil offered the following amendment:

"That said Committee also inquire as to charges made for constructive mileage."

Which was accepted by Mr. Hamilton.

The resolution, as amended, was then agreed to.

Mr. Chambers moved to suspend the order of business to take up Senate bill No. 42.

Which was agreed to.

Senate bill No. 42. A bill defining what counties shall constitute the Seventh Judicial Circuit and fixing the times of holding the Courts therein, with the amendments thereto heretofore reported, were read a second time.

The amendments were agreed to, and the bill so amended passed to a third reading.

Mr. Bobo moved to take up House bill No. 89.

Which was agreed to.

House bill No. 89. A bill to provide for the construction of sewers within incorporated towns, defining the powers and duties of Township Trustees in relation thereto, and to repeal all laws in conflict therewith, having previously been read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Barritt, Bischof, Black, Blanch, Bobo, Brucker, Campbell, Chambers, Corey, Crain, Crowe, Daggy, Danaldson, Dunn, Edmonson, Evans, Ferris, Foulke, Funk, Fuller, Geisendorff, Gordon, Greer, Griggs, Hartman, Hamilton, Hays, Higgins, Hopkins, Honneus, Hostetter, Hudson, Hungate, Inman, Kiser, Litson, Long of Kosciusko, Lopp, Martin, Mason, McCarthy, McClasky, McFadin, McLean, McMurray, Miller, Moore, Montgomery, North, O'Neil, Peelle, Prather, Ratliff, Ross, Rosser, Sabin, Shanks, Shields, Shook, Shoaff, Shull, Shuey, Smith of Lagrange, Smith of Wabash, Spencer, Stackhouse, Stafford, Stewart, Tebbs, Thacher, Thrasher, Thomas, Vawter, Wason, White, Wolfe, Wolfer, Woods, Wright, and Mr. Speaker.—80.

No one voting in the negative.

So the bill passed.

The question being, shall the title, as read, stand as the title to said bill?

It was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

Mr. Moore moved to take up House bill No. 272.

Which was agreed to.

House bill No. 272. A bill to create the Twenty-Second District of the Court of Common Pleas of Indiana; to fix the time of holding the Courts in said District, and to repeal all laws in conflict therewith.

Was read a third time.

Mr. Moore moved (by unanimous consent) to strike out the order for printing in the emergency clause of said bill.

Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Belford, Bischof, Black, Blanch, Campbell, Crain, Daggy, Edmonson, Ervin, Evans, Ferris, Foulke, Funk, Fuller, Geisendorff, Gordon, Greer, Hartman, Hamilton, Hays, Higgins, Honneus, Hostetter, Kiser, Litson, Martin, Mason, McCarthy, McClasky, McFadin, McLean, McMurray, Moore, Montgomery, Newcomb, O'Neil, Peelle, Prather, Ratliff, Ross, Shanks, Shoaff, Shull, Shuey, Skidmore, Smith of Lagrange, Smith of Wabash, Stewart, Tebbs, Thacher, Thrasher, Thomas, Vawter, Wason, Williams, Woods, and Mr. Speaker—55.

Those who voted in the negative were,

Messrs. Baker, Brucker, Chambers, Griggs, Hudson, Hungate, Sabin, Shook, Spencer, Stackhouse, Wilson, White, Wolfe, Inman, and Wright—15.

So the bill passed.

The question being, shall the title, as read, stand as the title to said bill.

It was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.



Mr. Geisendorff moved to take up House bill No. 159.

Which was agreed to.

House bill No. 159. A bill to amend sections 649 and 650 of the act entitled an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Barritt, Belford, Bischof, Black, Blanch, Bobo, Brucker, Campbell, Chambers, Corey, Crain, Crowe, Danaldson, Edmonson, Ervin, Evans, Ferris, Foulke, Funk, Fuller, Geisendorff, Gordon, Greer, Griggs, Hartman, Hamilton, Hays, Higgins, Hopkins, Honneus, Hostetter, Hudson, Hungate, Inman, Kiser, Litson, Long of Kosciusko, Martin, Mason, Matthis, McClasky, McFadin, McLean, McMurray, Miller, Moore, Montgomery, Newcomb, O'Neil, Peelle, Prather, Ratliff, Rosser, Sabin, Shanks, Shook, Shoaff, Shull, Shuey, Smith of Lagrange, Smith of Wabash, Spencer, Stafford, Tebbs, Thacher, Thrasher, Thomas, Wason, Williams, Wilson, Wolfe, Wolfer, Woods, Wright, and Mr. Speaker—76.

Those who voted in the negative were,

Messrs. Ross, Shields, and White—3.

So the bill passed.

The question being, shall the title, as read, stand as the title to said bill?

It was agreed to.

*Ordered*, That the clerk inform the Senate of the passage of said bill.

Mr. Evans, from the Committee on Engrossed Bills, made the following report :

MR. SPEAKER :

The Committee on Engrossed Bills, to whom was referred House bill No. 293, have had the same under consideration and ordered me to report the same correctly engrossed.

On motion by Mr. Campbell House bill No. 293 was taken up.

House bill No. 293. A bill to fix the time of holding the Circuit Court in the Fifth Judicial Circuit, prescribing the length of terms thereof, and repealing all laws in conflict therewith.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Baker, Barritt, Belford, Bischof, Black, Blanch, Bobo, Brucker, Campbell, Crain, Crowe, Daggy, Danaldson, Dunn, Edmonson, Ervin, Evans, Ferris, Foulke, Funk, Fuller, Geisendorff, Gordon, Greer, Griggs, Hartman, Hays, Higgins, Hopkins, Hostetter, Hudson, Inman, Kiser, Litson, Martin, Mason, McCarthy, McClasky, McFadin, McLean, McMurray, Miller, Moore, Montgomery, Newcomb, O'Neil, Peelle, Prather, Ross, Rosser, Sabin, Shanks, Shields, Shook, Shoaff, Shull, Shuey, Smith of Lagrange, Smith of Wabash, Spencer, Tebbs, Thacher, Thrasher, Thomas, Vawter, Wason, Williams, Wilson, White, Wolfe, Wolfer, Wright, and Mr. Speaker—73.

Mr. Matthis voting in the negative.

So the bill passed.

The question being, shall the title, as read, stand as the title to said bill ?

It was agreed to.

*Ordered,* That the clerk inform the Senate of the passage of said bill.

Mr. Newland obtained leave of absence until Monday next on account of sickness.

Mr. Bischof moved to take up House bill No. 300.

Which was agreed to.

House bill No. 300 was then read a second time and ordered to be engrossed.

Mr. Montgomery moved to take up House bill No. 278.

Which was agreed to.

House bill No. 278 was then read a second time and ordered to be engrossed.

Mr. Miller moved to take House bill No. 126 from the table and place it on the files of the House.

Which was agreed to.

Mr. Higgins moved to take up the following message from the Governor.

Which was agreed to.

A message from the Governor by Mr. Commons, his Private Secretary.

*To the Senate and House of Representatives :*

A case has very recently occurred under the act of Congress providing for the rendition of fugitives from justice, which shows the necessity of State legislation on that subject.

On the 7th day of the present month, an agent of the Governor of Mississippi presented to me a requisition for Daniel Harrison, alias J. W. Smith, charged with the crime of burglary and robbery, alleged to have been committed at the town of Macon, in the county of Noxubee, in the State of Mississippi, on the night of the 1st day of January, 1867. The requisition and accompanying papers were in strict compliance with the act of Congress of 1793.

I considered the question whether the executive authority of one of the States lately in rebellion should be held as competent to

make a requisition, so long as the legality of the government of such State remained unrecognized by the Congress of the United States. The conclusion to which I came was, that as the Executive Department of this State had already, in several instances, found it necessary to make requisitions for fugitives from justice upon the acting Governors of States lately in rebellion, the necessities of the case required that if these Governors were competent to respond to a requisition from the Executive of this State, they must be held to be competent to make such requisitions. I accordingly issued a warrant for the alleged fugitive in the usual form, directing his arrest and delivery to the agent of the Governor of Mississippi, named in the requisition, and authorizing his removal to that State to answer the charge.

On the 12th instant Daniel Harrison, of Pike county, in this State, was arrested at Evansville, Indiana, by virtue of the warrant, and confined in the Vanderburgh county jail. He alleged, as I am informed, at the time of his arrest, that he was at his home in Pike county, Indiana, at the very time when the crime of which he is accused was charged to have been committed, and that, in point of fact, he had never been in the State of Mississippi. Steps were taken at Evansville to procure a writ of *habeas corpus* for Mr. Harrison, with a view to his discharge, but before the writ could be issued he was hurried across the river into the State of Kentucky, and, as I suppose, taken to the State of Mississippi.

I am now informed by the Senator from Pike county, and by other respectable and reliable citizens of the same county, that Mr. Harrison was at his home in Pike county on the very day the burglary and robbery is charged to have been committed in the State of Mississippi. This being true, it is manifest either that the case is one of mistaken identity, or that Mr. Harrison has been made the victim of conspiracy and perjury. Steps have been taken which, it is believed, will result in his protection and speedy release; but the fact that such an outrage can be perpetrated upon the rights of a citizen under the forms of law, shows the imperative necessity of legislation on the subject. I therefore respectfully recommend the passage of a statute similar to one which has for several years existed in the State of Kentucky, providing that upon the demand of the Executive authority of any State or Territory of the United States, made upon the Governor of this State to surrender a fugi-

tive from justice from said State or Territory, pursuant to the constitution and laws of the United States, he shall issue his warrant to any sheriff or constable of any county within this State, commanding him to apprehend such alleged fugitive, and bring him before some judge of a Circuit or Common Pleas Court of this State, and making it the duty of such judge to proceed, by the examination of witnesses, to ascertain if the person apprehended be the fugitive demanded and mentioned in the warrant of the Governor, and also making it the duty of such judge, if satisfied of the identity of such person, to order him to be delivered up to the agent of the State or Territory demanding him, to be transported to said State or Territory, agreeably to the laws of the United States, otherwise to be discharged from custody.

Whilst no attempt should be made to impair or evade the duties of this State under the Constitution and laws of the United States, it is our manifest duty to protect our own citizens from the repetition of such outrages as the one which has given occasion for this communication. This is especially true when it is considered that whilst the Constitution and laws of the United States impose the duty of surrendering fugitives from justice, they fail to prescribe the manner in which that duty shall be performed.

Without wishing to dictate the particular form which the legislation recommended should assume, as the session of the General Assembly is drawing near its close, I have taken the liberty of drafting a bill embodying the provisions hereinbefore recommended, and herewith respectfully submit the same for your consideration.

CONRAD BAKER.

Mr Newcomb moved that the Committee on the Judiciary be instructed to report a bill in accordance with the recommendations set forth in the foregoing communication from the Governor.

Which was agreed to.

Senate bill No. 37. A bill to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertains thereto,

Was taken up.

Mr. Newcomb moved that it be deemed expedient to suspend the constitutional rule, requiring bills to be read by sections, and that said bill be read a first and second time by title now.

The ayes and noes were taken under the constitution.

Those voting in the affirmative were,

Messrs Baker, Barritt Belford, Bischof, Black, Blanch, Bobo, Brucker Campbell, Chambers, Corey, Crain, Daggy, Danaldson, Dunn, Edmonson, Ervin, Evans, Ferris, Foulke, Funk, Fuller, Geisendorff, Gordon, Greer, Griggs, Hartman, Hamilton, Hays, Higgins, Hopkins, Honneus, Hudson, Hungate, Inman, Kiser, Litson, Long of Jackson, Long of Losciusko, Lopp, Martin, Mason, McCarthy, McClasky McFadin, McLean, McMurry, Miller, Moore, Newcomb, O'Neil, Peelle, Prather, Ratliff, Rosser, Sabin, Shook, Shoaff, Shull, Shuey, Smith of Lagrange, Smith of Wabash, Spencer, Stafford, Stewart, Thacher, Thrasher, Thomas, Wason, Wolfer, Woods and Wright—70.

Those voting in the negative were,

Messrs. Crowe, Matthis, Montgomery, Shanks, Stackhouse, Tebbs, Vawter and White—8.

So it was deemed expedient to suspend said constitutional rule, and Senate bill No. 37 was read a first and second time by its title.

On motion by Mr. Newcomb, said bill was referred to a special committee of seven, composed of members from incorporated cities of the State.

Messrs. Newcomb, Thacher, Crain, Shoaff, Higgins, McFadin and Foulke, were appointed said committee.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate, to inform the House, that the Senate has passed the following House concurrent resolution, to-wit:

*Resolved, by the House of Representatives, the Senate concurring herein,* That the Attorney General of the State be, and he hereby is instructed to investigate the unauthorized and unlawful expenditures of money, made by the Warden and Directors of the State prison North, referred to in the report of the committee on said prison, accompanied by this resolution, and if, in his judgment, such suits can be maintained, to institute and prosecute suits for the recovery of the sums so unlawfully expended. Also that the Senate has concurred in the following concurrent House resolution, to-wit :

*Resolved,* That a special committee, to consist of two members, on the part of the Senate, and three, on the part of the House, be appointed, to whom shall be referred the message of the Governor, on the subject of the Lincoln monument, and that the Speaker has appointed Messrs. Stewart, Stackhouse and Higgins, on such committee, on the part of the House.

The President of the Senate has appointed Senators Milligan and Smith as such committee on the part of the Senate.

## ORDERS OF THE DAY.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER :

I am directed by the President of the Senate to inform the House of Representatives, that the Senate has passed the following concurrent resolution, to-wit :

WHEREAS, It is a fact apparent to all persons, that many private soldiers, who were engaged in the late war against the South, and also the families of many deceased soldiers, are now in limited, if not destitute circumstances; and

WHEREAS, The law on the subject of bounties makes an unjust discrimination between persons entitled thereto, in regard to the amount of the same;

*Therefore be it resolved by the Senate, the House concurring,* That our Senators in Congress be instructed, and our Representatives be requested to use their influence to procure the passage of

an act for the equalization of the bounties of all persons entitled thereto, under the provisions of any act of Congress on that subject, in which the concurrence of the House is respectfully requested.

The foregoing concurrent resolution was read, and, on motion, concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

Message from the Senate, by Mr. Wilson, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have adopted the following concurrent resolution, to-wit :

*Be it resolved by the Senate, the House concurring therein*, That the Auditor of State be, and he is hereby directed to lease the building on the corner of Tennessee and Market streets, in the city of Indianapolis, for a term of two years, with the privilege of retaining the property for six years, at an annual rent of four thousand dollars: *Provided*, That W. P. & E. P. Gallup shall erect a suitable fire proof room twenty feet by sixty feet, as a depository for records and stationery, and make such alterations in the building as the Supreme Court shall desire, should they set there without removing the brick partition or permanently injuring the same. The said building to be used for the offices of the State officers—in which the concurrence of the House is respectfully requested.

Mr. Crain moved that the foregoing concurrent resolution be temporarily laid on the table.

Which was agreed to.

Senate bill No. 161. "A bill to establish a House of Refuge for the correction and reformation of juvenile offenders."

Was read a second time.

Mr. White offered the following amendment to said bill :

Amend by striking out the twelfth section.



Mr. Peelle moved to amend section twelve, in said bill, by adding as follows:

"If the Court, upon further examination, if desired by the infant, his parent or guardian, shall so direct."

Mr. Stafford moved to postpone the further consideration of the whole subject until Friday morning next at 10 o'clock.

House bill No. 287 was read a second time, and ordered to be engrossed.

Mr. Fuller moved to take up House bills Nos. 275, 276 and 277. Which were agreed to.

House bill No. 275, with amendments heretofore reported, was read a second time. The amendments were agreed to.

The bill, as amended, was then ordered to be engrossed.

House bill No. 276 was read a second time. The amendment heretofore reported was read, and agreed to.

The bill as amended, was then ordered to be engrossed.

House bill, No. No. 277 was read a second time.

Mr. Newcomb moved to recommit said bill to the Committee on Ways and Means.

Which was agreed to.

On motion by Mr. Thacher, the House adjourned.

TWO O'CLOCK P. M.

The House met.

The Speaker laid before the House the following communication:

HON. D. C. BRANHAM,

*Speaker of the House of Representatives:*

SIR:—Please present the compliments of myself and Mrs. Baker to the members of the House of Representatives and its officers, and invite them and their families to be present at a reception to be given at our residence, No. 149, north Pennsylvania street, on Friday evening, the twenty-second inst., commencing at seven and a half o'clock.

Very respectfully,

CONRAD BAKER.

### ORDERS OF THE DAY.

Senate bill No. 24. A bill to legalize acknowledgements of all deeds, mortgages and other instruments required to be recorded, taken and certified by Notaries Public who took and certified such acknowledgements, the expiration of their commissions or vacation of their appointment.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Barritt, Belford, Bischof, Black, Bobo, Brucker, Campbell, Chambers, Crain, Daggy, Danaldson, Dunn, Edmonson, Ervin, Evans, Foulke, Fuller, Geisendorff, Gordon, Greer, Hartman, Hamilton, Higgins, Hopkins, Honneus, Hostetter, Hudson, Hungate, Inman, Kiser, Litson, Martin, Mason, McCarthy, McClasky, McFadin, McMurray, Miller, Moore, Montgomery, Peelle, Prather, Ratliff, Ross, Sabin, Scammahorn, Shields, Shook, Shoaff, Shull, Shuey, Smith of Lagrange, Smith of Wabash, Spencer, Stackhouse, Stewart, Thacher, Thrasher, Thomas, Wason Williams, Wilson, White, Wolfe, Woods, and Mr. Speaker—69

Those who voted in the negative were,

Messrs. Griggs and Matthis—2

So the bill passed.

The question being, shall the title, as read, stand as the title to said bill?

It was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of said bill.

On motion by Mr. Baker,

House bill No. 290. A bill to amend section twenty-nine of an act entitled an act defining misdemeanors and prescribing punishment therefor, approved June 14, 1852.

Was taken up and read a second time and ordered to be engrossed.

Mr. Bobo moved to take up House bill No. 23.

Which was agreed to.

House bill No. 23. A bill to entitle the owners of wet lands to drain and reclaim them where the same can not be done without effecting the lands of others; prescribing the powers and duties of County Boards and County Auditors in the premises, and repealing all laws inconsistent therewith.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Barritt, Belford, Bischof, Black, Bobo, Brucker, Campbell, Chambers, Crain, Daggy, Danaldson, Dunn, Edmonson, Ervin, Evans, Foulke, Funk, Fuller, Geisendorff, Gordon, Greer, Hartman, Hamilton, Hays, Higgins, Hopkins, Honneus, Hostetter, Hudson, Hungate, Inman, Kiser, Litson, Long of Kosciusko, Martin, Mason, McCarthy, McClasky, McFadin, McLean, McMurray, Moore, Montgomery, Newcomb, O'Neil, Peelle, Prather, Rat-

liff, Ross, Sabin, Scammahorn, Shanks, Shields, Shook, Shoaff, Shull, Shuey, Smith of Wabash, Spencer, Stackhouse, Stewart, Tebbs, Thacher, Thrasher, Thomas, Vawter, Wason, Wilson, Williams, White, Wolfe, Wolfer, Woods, and Mr. Speaker—74.

No one voting in the negative.

So the bill passed.

The question being, shall the title, as read, stand as the title to said bill?

It was agreed to.

*Ordered*, That the clerk inform the Senate of the passage of said bill.

Mr. Crain moved to take up House bill No. 13.

Which was agreed to.

House bill No. 13. A bill to create the Eighteenth Judicial Circuit of the State of Indiana, having previously been read a third time, was taken up.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barritt, Belford, Bischof, Black, Bobo, Brucker, Campbell, Chambers, Corey, Crain, Danaldson, Dunn, Edmonson, Ervin, Evans, Foulke, Funk, Fuller, Geisendorff, Gordon, Greer, Griggs, Hartman, Hamilton, Hays, Higgins, Hopkins, Honneus, Hostetter, Hungate, Inman, Kiser, Litson, Martin, McCarthy, McClasky, McFadin, McLean, McMurray, Miller, Moore, Newcomb, O'Neil, Peelle, Prather, Ratliff, Ross, Sabin, Scammahorn, Shanks, Shook, Shoaff, Shull, Shuey, Smith of Lagrange, Smith of Wabash, Spencer, Stewart, Tebbs, Thacher, Thrasher, Thomas, Vawter, Wason, White, Wolfer, Woods, and Mr. Speaker—68.

Those who voted in the negative were,

Messrs. Baker and Wolfe—2.

So the bill passed.

The question being, shall the title, as read, stand as the title to said bill?

It was agreed to.

*Ordered*, That the clerk inform the Senate of the passage of said bill.

On motion by Mr. Newcomb, House bill No. 262 was taken up, read a second time, and ordered to be engrossed.

On motion by Mr. Spencer, House bill No. 229 was taken up, read a second time, and ordered to be engrossed.

Mr. Peelle moved to take up House bill No. 130.

Which was agreed to.

House bill No. 130. A bill to amend section twenty-eight of an act entitled an act defining felonies, and prescribing punishment therefor, approved June 10, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barritt, Belford, Bischof, Black, Bobo, Brucker, Campbell, Chambers, Corey, Crain, Daggy, Danaldson, Dunn, Edmonson, Ervin, Evans, Foulke, Funk, Fuller, Geisendorff, Gordon, Greer, Griggs, Hartman, Hamilton, Higgins, Hopkins, Honneus, Hostetter, Hungate, Inman, Kiser, Long of Jackson, Martin, Matthis, McCarthy, McClasky, McMurray, Moore, Newcomb, O'Neil, Peelle, Prather, Ratliff, Ross, Sabin, Scammahorn, Shanks, Shields, Shook, Shoaff, Shull, Shuey, Smith of Lagrange, Smith of Wabash, Spencer, Stewart, Tebbs, Thacher, Thrasher, Thomas, Vawter, Wason, Williams, White, Wolfe, Wolfer, Woods, and Mr. Speaker—69.

No one voting in the negative.

So the bill passed.

The question being, shall the title, as read, stand as the title to said bill?

It was agreed to.

*Ordered*, That the clerk inform the Senate of the passage of said bill.

On motion by Mr. Wolfe, House bill No. 153 was taken up from the table and placed on the files of the House.

Mr. Chambers moved to take up House bill No. 21.

Which was agreed to.

House bill No. 21. A bill to amend the sixteenth section of an act regulating the fees of officers, and repealing former acts in relation thereto.

Was read a second time.

The amendments, heretofore reported, were read and agreed to.

Mr. Crain moved to amend by making the mileage fifteen cents instead of twenty-five cents.

Mr. Montgomery moved to amend the amendment by Mr. Crain, by inserting ten cents instead of fifteen cents.

Which was agreed to.

The question being on the amendment as amended.

It was agreed to.

Said bill as amended was then ordered to be engrossed.

A message from the Senate by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following Engrossed Senate bills thereof, to-wit:

Senate bill No. 54, entitled an act authorizing the assessment of all the lands within one and one-half miles of the terminus of any plank, macadamized or gravel road, organized under, and pursuant to any act of the General Assembly of the State of Indiana, entitled an act authorizing the construction of plank, macadamized and gravel roads, approved May 12, 1852, when the subscription to such road amounts to at least eight hundred dollars per mile, and is not sufficient for the completion of the same, and the collection of such assessment, provided the lands are situated within the county in which such road is located.

Senate bill No. 212, entitled an act to regulate the arrest and surrender of fugitives from justice from other States and territories, in which the concurrence of the House is respectfully requested.

Also, that the Senate has passed Engrossed House bill No. 19, entitled a bill to raise revenue for State purposes for the years one thousand eight hundred and sixty-seven and one thousand eight hundred and sixty-eight.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following Engrossed House bills, to-wit:

House bill No. 54, entitled a bill concerning the organization and perpetuity of voluntary associations, and repealing an act entitled an act concerning the organization of voluntary associations, and repealing former laws in reference thereto, approved February 12, 1855, and repealing each act repealed by said act, and authorizing gifts or devises by will to be made to any corporation or purpose contemplated by this act.

House bill No. 181, entitled a bill to amend an act entitled an act approved March 11, 1861, being to amend an act entitled an act authorizing county agricultural societies to purchase and hold real estate, approved February 7, 1855, and to authorize such societies to issue capital stock and confirm and ratify all purchases of real estate made by any agricultural and mechanical society under their by-laws, not exceeding eighty acres of land.

House bill No. 293, entitled a bill to fix the time of holding the Circuit Courts in the fifth Judicial Circuit, prescribing the length of the terms thereof, and repealing all laws in conflict herewith.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of House bill No. 258, together with the majority and minority reports of the Committee on Education, on the subject of the disposition of University Square, in the city of Indianapolis.

The question pending was on the motion made by Mr. Belford, to refer said bill and all pending amendments to the Committee on the Judiciary.

Mr. Belford offered the following resolution:

*Resolved*, That the Judiciary Committee be, and hereby is instructed to inquire into the power of the State to sell square No. 25, and divert the funds arising therefrom; and further, to report to the house what operations are necessary to the maintenance and successful operation of the State University, located at Bloomington.

Mr. Baker offered the following motion:

Refer House bill No. 258, with pending amendments, to a select committee of five, to ascertain if the title of Vincennes University to the property in controversy (square No. 25) is not paramount to that of either of the other claimants.

Mr. Woods moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the motion, by Mr. Belford, to refer the bill to the Committee on the Judiciary.

It was so ordered.

Mr. Hughes moved to reconsider the vote just taken.

Which was agreed to.



Mr. Hughes then moved to refer the whole subject to the Committee on Education.

Which was agreed to.

House bill No. 153. A bill to repeal section fifteen of an act entitled an act to create a State Normal School, and declaring an emergency.

Was taken up.

The question being on concurring in the report of the committee and indefinitely postponing said bill.

Messrs. Wolfe and Baker demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Belford Bischof, Brucker, Crain, Daggy, Danaldson, Dunn, Ervin, Ferris, Foulke, Gordon Griggs, Hartman, Hamilton, Higgins, Hopkins, Hughes, McCarthy, McLean, Moore, Newcomb, Peele, Ratliff, Shuey, Smith of Lagrange, Spencer, Stafford, Thomas and Wason—27.

Those who voted in the negative were,

Messrs. Baker, Black, Bobo, Crowe Edmonson Evans, Funk, Fuller, Geisendorff, Greer, Honneus, Hostetter, Hudson Hungate, Kiser, Litson, Long of Kosciusko, Lopp, Martin Mason, Matthis, McClasky, McFadin, McMurray, Miller, Montgomery, Prather, Ross, Rosser, Sabin, Scammahorn, Shanks, Shields, Shook, Shoaff, Shull, Smith of Wabash, Stackhouse, Stewart Tebbs, Thacher, Thrasher, Vawter, Wilson, White, Wolfe, Wolfer, Woods, Wright and Mr. Sperker—53.

So the bill was not indefinitely postponed.

House bill No. 153 was then read a second time.

Mr. Newcomb moved to amend by striking out the emergency clause.

Mr. Stewart moved to recommit the bill to the Committee on Education.

Mr. Woods moved to recommit the bill to the Committee on Ways and Means with instructions to insert a section making a perpetual appropriation from other funds of \$10,000 per annum for the benefit of said school.

Which was not agreed to.

Mr. Hughes moved to lay the bill and amendment on the table.

Messrs. Montgomery and Wolfe demanded the ayes noes.

Those who voted in the affirmative were,

Messrs. Barritt, Belford, Bischof, Campbell, Crain, Daggy, Dandaldson, Dunn, Ervin, Ferris, Foulke, Griggs, Hartman, Hamilton, Higgins, Hopkins, Hughes, Hungate, McLean, Miller, Moore, Morrison, Newcomb, Peelle, Prather, Ratliff, Ross, Rosser, Sabin, Scammahorn, Shuey, Smith of Lagrange, Stafford, Stewart, Thomas, Wason, Wolfer, and Mr. Speaker—38.

Those who voted in the negative were,

Messrs. Baker, Black, Blanch, Brucker, Chambers, Corey, Crowe, Edmonson, Evans, Funk, Fuller, Geisendorff, Gordon, Greer, Hays, Honneus, Hostetter, Hudson, Inman, Kiser, Long of Kosciusko, Lopp, Martin, Mason, Matthis, McCarthy, McClasky, McFadin, McMurray, Montgomery, Shanks, Shields, Shook, Shoaff, Shull, Smith of Wabash, Spencer, Stackhouse, Tebbs, Thacher, Thrasher, Williams, Wilson, White, Wolfe, and Wright—46.

So the motion to lay on the the table did not prevail.

Mr. Wright moved that the House do now adjourn.

Which was not agreed to.

The question being on the motion to recommit.

It was agreed to, and the bill was recommitted to the Committee on Education.

Mr. Peelle moved to take up Senate bill No. 1.

Which was agreed to.

Mr. Montgomery moved that the House do now adjourn.

Which was not agreed to.

Mr. Peelle moved to make Senate bill No. 1 the special order for to-morrow at 10 o'clock A. M.

Which was agreed to.

Mr. Campbell moved that the House do now adjourn.

Which was not agreed to.

Mr. Hartman moved to reconsider the vote making Senate bill No. 1 the special order for to-morrow morning at 10½ o'clock.

Messrs. Crowe and O'Neil demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Belford, Brucker, Campbell, Crain, Daggy, Danaldson, Dunn, Ervin, Evans, Ferris, Foulke, Funk, Geisendorff, Gordon, Greer, Griggs, Hartman, Hamilton, Higgins, Hopkins, Hudson, Hughes, Long of Kosciusko, Martin, Mason, McCarthy, McClasky, McLean, McMurray, Miller, Moore, Newcomb, Peelle, Prather, Ratliff, Rosser, Sabin, Scammahorn, Shields, Shook, Shuey, Smith of Lagrange, Smith of Wabash, Spencer, Stafford, Stewart, Thrasher, Thomas, Wason, Watson, Wilson, Wolfer, Woods, and Mr. Speaker—54.

Those who voted in the negative were,

Messrs. Baker, Barritt, Bischof, Black, Blanch, Chambers, Corey, Crowe, Edmonson, Hays, Honneus, Hostetter, Hungate, Inman, Lopp, McFadin, Montgomery, O'Neil, Ross, Shanks, Shoaff, Stackhouse, Tebbs, Thacher, Williams, White, Wolfe and Wright—28.

So the motion to reconsider prevailed.

H. J.—41.

Mr. McFadin moved that the House do now adjourn.

Ten members demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Black, Bobo, Corey, Crowe, Edmonson, Hamilton, Honneus, Hostetter, Hungate, Inman, Lopp, Matthis, McFadin, Montgomery, O'Neil, Ross, Shanks, Shoaff, Shull, Stackhouse, Tebbs, White, Wolfe, Wolfer, and Wolflin—26.

Those who voted in the negative were,

Messrs. Belford, Bischof, Blanch, Brucker, Campbell, Chambers, Crain, Daggy, Danaldson, Dunn, Ervin, Evans, Ferris, Foulke, Funk, Geisendorff, Gordon, Greer, Griggs, Hartman, Higgins, Hopkins, Hudson, Hughes, Long of Kosciusko, Martin, McClasky, McLean, McMurray, Miller, Newcomb, Peelle, Prather, Ratliff, Rosser, Sabin, Scammahorn, Shook, Shuey, Smith of Lagrange, Smith of Wabash, Spencer, Stewart, Thrasher, Thomas, Wason, Wilson, Woods, Wright, and Mr. Speaker—51.

So the motion to adjourn did not prevail.

The question being on ordering Senate bill No. 1 to a third reading.

Mr. Peelle moved the previous question, which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

Mr. O'Neil moved to lay the motion on the table.

Messrs. O'Neil and McFadin demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Black, Bobo, Corey, Crowe, Edmonson, Hostetter, Lopp, McFadin, O'Neil, Shull, Tebbs, Williams, White, and Wolfe—15.

Those who voted in the negative were,

Messrs. Belford, Bischof, Blanch, Brucker, Campbell, Chambers, Crain, Daggy, Danaldson, Dunn, Ervin, Evans, Ferris, Foulke, Funk, Geisendorff, Gordon, Greer, Griggs, Hartman, Hamilton, Higgins, Hopkins, Hudson, Hughes, Long of Kosciusko, Martin, Mason, McCarthy, McClasky, McLean, McMurray, Miller, Moore, Newcomb, Peelle, Prather, Ratliff, Rosser, Sabin, Scammahorn, Shook, Shuey, Smith of Lagrange, Smith of Wabash, Spencer, Stafford, Stewart, Thrasher, Thomas, Wason, Wilson, Wolfer, Woods, Wright, and Mr. Speaker—56.

So the motion to lay on the table did not prevail.

Senate bill No. 1. A bill to divide the State into Congressional Districts.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Belford, Bischof, Blanch, Brucker, Campbell, Chambers, Crain, Daggy, Danaldson, Dunn, Ervin, Evans, Ferris, Foulke, Funk, Geisendorff, Gordon, Greer, Griggs, Hartman, Hamilton, Higgins, Hopkins, Hudson, Hughes, Long of Kosciusko, Martin, Mason, McCarthy, McClasky, McLean, McMurray, Miller, Moore, Newcomb, Peelle, Prather, Ratliff, Rosser, Sabin, Scammahorn, Shook, Shuey, Smith of Lagrange, Smith of Wabash, Spencer, Stafford, Stewart, Thrasher, Thomas, Wason, Wilson, Woods, Wright, and Mr. Speaker—55

Those who voted in the negative were,

Messrs. Barritt, Black, Corey, Crowe, Edmonson, Hostetter, Hungate, Inman, Lopp, Matthis, McFadin, Montgomery, O'Neil, Ross, Shanks, Shull, Stackhouse, Thacher, Williams, White, and Wolfe—21.

So the bill passed.

The question being, shall the title, as read, stand as the title to said bill?

It was agreed to.

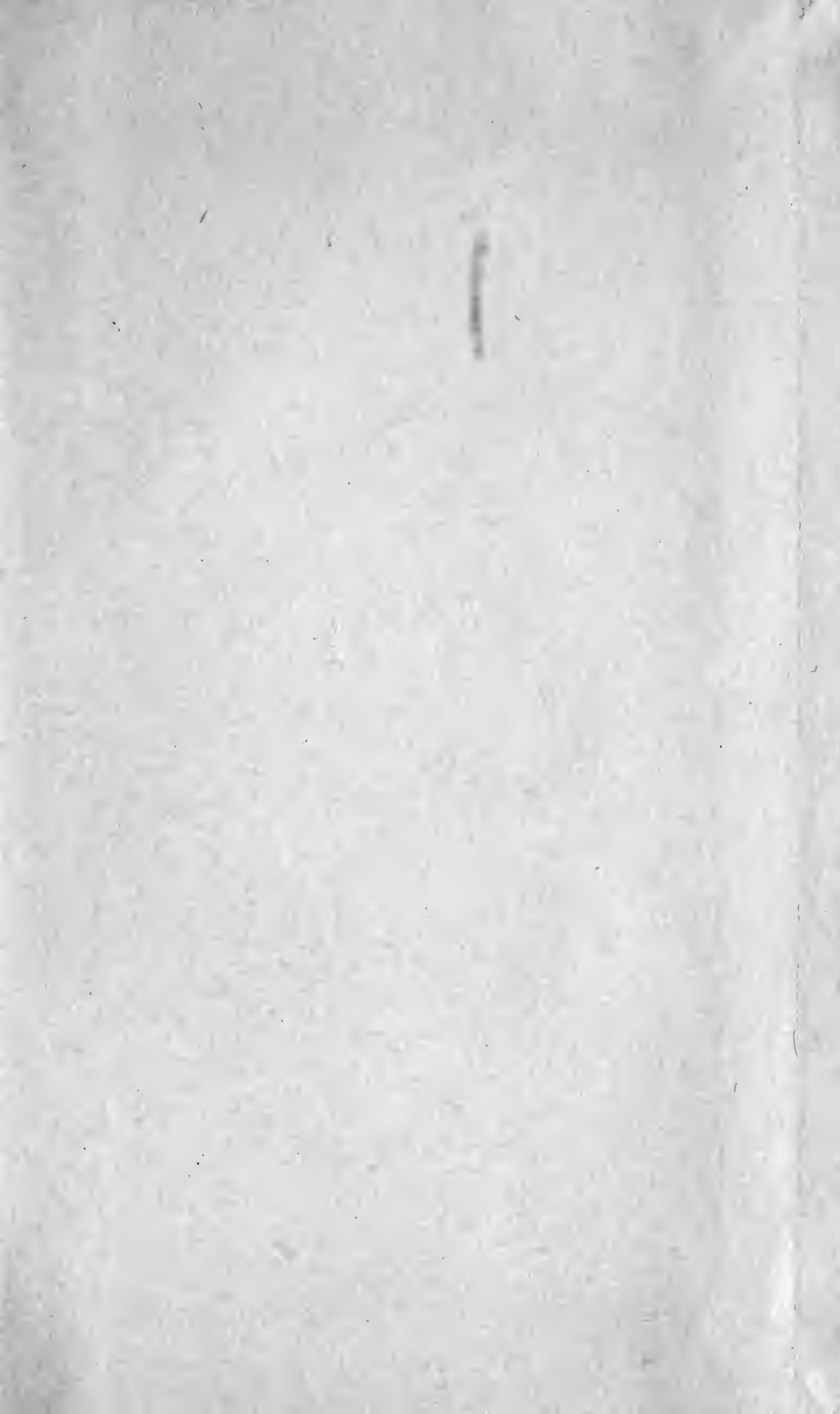
*Ordered*, That the clerk inform the Senate of the passage of said bill.

On motion by Mr. McFadin, the House adjourned.









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